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House of Representatives

The House met at noon and was called to order by the Speaker pro tempore (Mr. HOLDING).

DESIGNATION OF SPEAKER PRO TEMPORE

The SPEAKER pro tempore laid before the House the following communication from the Speaker:

WASHINGTON, DC,
July 28, 2014.

I hereby appoint the Honorable GEORGE HOLDING to act as Speaker pro tempore on this day.

JOHN A. BOEHNER,
Speaker of the House of Representatives.

MORNING-HOUR DEBATE

The SPEAKER pro tempore. Pursuant to the order of the House of January 7, 2014, the Chair will now recognize Members from lists submitted by the majority and minority leaders for morning-hour debate.

The Chair will alternate recognition between the parties, with each party limited to 1 hour and each Member other than the majority and minority leaders and the minority whip limited to 5 minutes, but in no event shall debate continue beyond 1:50 p.m.

ENDING THE FEDERAL BAN ON MARIJUANA

The SPEAKER pro tempore. The Chair recognizes the gentleman from Oregon (Mr. BLUMENAUER) for 5 minutes.

Mr. BLUMENAUER. Mr. Speaker, yesterday, The New York Times produced a carefully balanced rationale for ending the Federal ban on marijuana. In more than 40 years, this failed attempt at prohibition has been hopelessly out of step.

The Times editorial points out the fallacy the as States marching toward decriminalization, medical marijuana, and adult use, the Federal Government maintains its schizophrenic posture, pretending that marijuana is as dangerous—as heroin or LSD, worse than cocaine or methamphetamine.

While the current administration has been somewhat tolerant of the actions that have taken place in three-quarters of our States that are acting to decriminalize, authorize medical marijuana, and, more recently, in Colorado and Washington State, to legalize adult use, there is no guarantee that future administrations will have a lighter touch.

That is wrong. As the Times and others have pointed out, there are significant financial costs and huge human costs of this failed experiment in prohibition which, falls disproportionately on young men of color, especially African Americans.

The Times readily acknowledged that this issue has troubling aspects. We have all struggled, as a society, to deal with drugs, legal and illegal. Addiction to cigarettes and alcohol, prescription drugs and narcotics extracts a heavy toll.

We are all deeply concerned about the impact that marijuana and other dangerous substances have on young people. This is particularly a problem dealing with the development of the young brain affected by marijuana use.

While this clearly can have serious consequences, so, too, there are horrific costs associated with alcohol and tobacco, to say nothing of other illegal drugs. We, as a society, have struggled with these challenges, but we have actually had some measure of success with controlling use of cigarettes and alcohol.

The use by adults of tobacco has declined two-thirds in a generation. There is no reason to think we can't do the same for marijuana if we act rationally.

As a practical matter, the current system doesn't accomplish keeping it out of the hands of children, while it does inflict that real damage on casual users and those young men of color.

Currently, there is a vast illegal network that supplies the public and children with marijuana. No one checks ID. There is no business license to use.

For those of us working to reform our flawed marijuana laws, the Times editorial marks a significant milestone, joining other publications and organizations arguing for a new approach. It comes while we in Oregon, which was the first State to decriminalize marijuana, will vote this fall to become the third State to legalize adult use.

The Times editorial and the promise of more discussion in the paper joins with other editorial pages across the country. The Portland Oregonian had a particularly thoughtful and very positive editorial just the day before, on Saturday, the 26th of July, talking about the opportunities in our State for legalization.

The Nation's editorial pages are playing a constructive role in promoting a broad, nuanced, careful discussion of the marijuana policy, its failure, and the alternatives. Here in Congress we have started the discussion and have seen growing awareness among significant floor action that slightly reduces the outmoded and illogical restrictions.

It is time for the administration and Congress to elevate this discussion to keep pace with what is going on with opinion leaders like the Nation's editorial writers and the march towards rational policy that is taking place in States across America.

It is not too late for this Congress to make constructive contributions. We have several opportunities: the cultivation of industrial hemp; changing banking regulations so we don't force legal marijuana businesses to be all cash; tax equity; and protecting medical marijuana from heavy-handed Federal interference.

The recent positive votes in Congress suggest that more progress is possible before we adjourn.

CHRISTIANITY IS BEING ERADICATED IN IRAQ

The SPEAKER pro tempore. The Chair recognizes the gentleman from Virginia (Mr. WOLF) for 5 minutes.

Mr. WOLF. Mr. Speaker, another Sunday has come and gone without mass being said in Mosul.

There is no doubt about it; religious cleansing is continuing to occur in Iraq. The churches have been seized and some turned into mosques. Every trace of Christianity is being eradicated in Iraq. The Christians' property has been seized, looted, and given to others.

Canon Andrew White, the vicar of the only Anglican church in Baghdad, Iraq, recently stated, ''Things are so desperate, our people are disappearing. We have had our people massacred, their heads chopped off. Are we seeing the end of Christianity? We are committed,'' he said, ''come what may, we will keep going to the end, but it looks as though the end could be near.''

Vicar White, continuing, said, ''The Christians are in grave danger. They are literally living in the desert and on the street. They have nowhere to go.''

The question remains: What should the world be doing to help the Christians and other religious minorities in Iraq?

The administration has taken a small step, although it needs to do much more. The President of the United States needs to speak out on this issue.

This morning, after a 9-month vacancy, the White House announced the nomination of Rabbi David Saperstein to be the Ambassador-at-Large for International Religious Freedom. Rabbi Saperstein is well-respected on these matters and has been engaged on this issue for a long time. I welcome this nomination. It is a good nomination, and I ask the Senate to confirm Rabbi Saperstein quickly.

On Friday, the House passed legislation that creates the position of Special Envoy for Religious Minorities in the Middle East and South Central Asia. This was bipartisan legislation that was introduced by Congresswoman ANNA ESHOO and myself. Our office worked closely with our former colleague, Senator ROY BLUNT.

I call on the President to sign this bill quickly and to fill this position as quickly as possible. Time is of the essence. We cannot afford to wait any longer. Christianity, as we now know it, is being wiped out before our very eyes in Iraq.

23 IN 1—KERMIT

The SPEAKER pro tempore. The Chair recognizes the gentleman from Texas (Mr. GALLEGO) for 5 minutes.

Mr. GALLEGO. Mr. Speaker, today I would like to continue the journey through the 23rd District of Texas and talk about Kermit, Texas, which many people know as being one of the communities in the center of all of the action with respect to the energy economy in Texas, but I know it as the home of the Yellow Jackets, the Yellow Jackets who, for years, have been a formidable foe for my own Alpine Bucks.

Kermit started life, the town started as a local trading and supply company, or trading and supply depot, for the ranches that dotted the west Texas landscape. Kermit gets its name not from a notable green frog known for being the first frog to communicate with humans, but, instead, it gets its name from Kermit Roosevelt, the only place in the United States that is named for the son of a former U.S. President, Teddy Roosevelt.

Kermit, Texas, became the county seat of Winkler County in 1910 and was a city, like many of the other rural communities in Texas, that had a challenge staying alive.

Small towns have always had a particular challenge, and in Kermit's case, they were devastated by a drought that struck the area in 1916 that forced many homesteaders and ranchers to leave. Kermit ran dry by 1924, and the Ern Baird family was the sole family in town, with three houses, a single-student school, and a lone courthouse.

The whole town nearly evaporated into the air until that sea of oil was discovered below the surface and, in 1926, Kermit, Texas, became a boomtown. That boomtown continued into the sixties, and through the boom, the town has seen tremendous growth.

During the rapid expansion of the city, flooding actually became a problem. As with small towns that are scattered throughout rural Texas, they worked through that problem to a solution. They constructed crown streets, and the city kept growing and building additional infrastructure to support the oil boom and the growing needs of their county.

Kermit, Texas, although small in size, has displayed that same attitude reflected in many of the successes of our great Nation. They work through tough situations with creativity and resolve, and, as a result, we as a nation greatly benefit from their willingness to stick through it.

Kermit, Texas, and those who worked and lived and raised families there, they have all contributed to our energy security. They have all contributed to the energy security of our entire country. Without them, it would have been difficult to meet the energy demands of World War II and, after the war, the economic boom that the U.S. would experience.

Even today, Kermit is a mainstay of the west Texas economy, an active chamber, an active community, a wonderful place to live and to raise kids, and, of course, the ever-proud Yellow Jackets.

If you find yourself near Kermit, Texas, I invite you to visit this small and historic town that has contributed so much so greatly to our Texas values, our Texas history, and our Texas success, Kermit, Texas.

RECOGNIZING THE LIFE OF DR. JIM FULGHUM

The SPEAKER pro tempore (Mr. WOLF). The Chair recognizes the gentleman from North Carolina (Mr. HOLDING) for 5 minutes.

Mr. HOLDING. Mr. Speaker, I rise today to recognize North Carolina Representative Dr. Jim Fulghum, who recently passed away after a brief but courageous battle with cancer.

A lifelong resident of Raleigh, Jim attended Broughton High School and married his high school sweetheart, Mary Susan. They both received their medical degrees at University of North Carolina at Chapel Hill, and Mary Susan continues to serve the Raleigh community as a doctor, as Jim did for so many years.

I want to commemorate Jim for all he contributed to the field of medicine, the city of Raleigh, North Carolina, and our country. Jim was a world-renowned neurosurgeon, served his country in the gulf war, and later went on to serve in the North Carolina State Legislature.

Jim was truly a great American, a good friend of mine, and a mentor to me and so many others that he came in contact with. As a member of the North Carolina House of Representatives, Jim was an exemplary statesman on behalf of his constituents. He was a compassionate man and touched the lives of many.

Throughout Jim's life, he tirelessly offered his services to the community. He was involved in numerous organizations in the State, including Edenton Street United Methodist Church, where he was active throughout his life.

Mr. Speaker, Jim served his community with great honor and distinction, and North Carolina mourns his passing. My thoughts and prayers are with Jim's wife of 47 years, Mary Susan, and the rest of his family: Emily, Molly, Patrick, Jens; his sisters Peggy, Mary Anne, and Ruth; and his two grandchildren, Margaret and Kirk.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until noon today.

Accordingly (at 12 o'clock and 14 minutes p.m.), the House stood in recess.

□ 1400

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. HOLDING) at 2 p.m.

PRAYER

The Chaplain, the Reverend Patrick J. Conroy, offered the following prayer:

Dear God, we give You thanks for giving us another day.

As we begin the final week before the August recess, we give You thanks as well for the recent progress made over the weekend and ask Your blessing on the Members of the people's House in completing their work on the important legislation that demands their attention.

May goodwill and a common love for our Nation and its people abound in this assembly. Bless the work of the Members, their staff, and all who labor to complete the unfinished work at hand.

As always, may all that is done today and for the rest of this week be for Your greater honor and glory.

Amen.

THE JOURNAL

The SPEAKER pro tempore. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

PLEDGE OF ALLEGIANCE

The SPEAKER pro tempore. Will the gentleman from Tennessee (Mr. COHEN) come forward and lead the House in the Pledge of Allegiance.

Mr. COHEN led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

EBOLA OUTBREAK

(Mr. WOLF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WOLF. Mr. Speaker, the picture on the front page of this morning's New York Times is about the latest deadly outbreak of Ebola in Africa. This horrible disease knows no borders and has already claimed the lives of 660 people in four countries since it was first detected in March.

The White House needs to pull together the CDC, NIH, State Department, USAID, the World Health Organization, and other Western governments to stave off this outbreak before it spreads further. I am concerned that there is not a sufficient plan in place, either in Africa or in the event that it spreads to the U.S.

We live in a global world. We need a clear plan and strong leadership now. We cannot wait until a case shows up in the United States.

THE WAR ON MARIJUANA

(Mr. COHEN asked and was given permission to address the House for 1 minute.)

Mr. COHEN. Mr. Speaker, Sunday's New York Times editorial page—the entire page, a very unusual circumstance—was dedicated to ending our crazy and unsuccessful and expensive war on marijuana, emphasizing that the war on marijuana costs us much money in prosecuting and also ruins people's lives. It costs us more than it protects, and it has a disparate impact on African Americans and minorities, as they are much more likely to be arrested, have a scarlet M on their chest for the rest of their lives, denying them public housing, scholarships, and often jobs.

It is time we left the situation to the States, like we did with alcohol, the last prohibition we had in this country, and let the States make these decisions, as Colorado and Washington have, the laboratories of democracy. Let's make sense of our drug policies and drug laws and not have marijuana and heroin in the same class.

A CRISIS ON THE TEXAS BORDER

(Mr. BURGESS asked and was given permission to address the House for 1 minute.)

Mr. BURGESS. Mr. Speaker, as everyone knows now, there is a crisis on the Texas border. And what is the proximate cause of that crisis? It was the President's decision to defer adjudication for childhood arrivals a little over 2 years ago. When the President issued his memorandum, stating that deferred adjudication was now possible, the floodgates opened.

To make that call was irresponsible. But once again, we heard evidence this weekend that the President is, again, thinking of overstepping his authority.

Mr. Speaker, this would only throw gasoline on a fire. We need legislation that will allow for more sensible solutions to be put in place. The executive overreach effectively called for no-holds-barred at the border and has caused great strain on our system.

No one but the President has the power to remedy this legislation. By issuing the order 2 years ago, the President opened the floodgates. It is up to him to quench the bleeding.

FIREFIGHTING BUDGET

(Mr. DEFAZIO asked and was given permission to address the House for 1 minute.)

Mr. DEFAZIO. Mr. Speaker, the end of this week begins the August recess, or district work period. Some of us will go home working—and I am going home to a State that is on fire. We have four major fires, and many dozens of other fires are burning in Oregon, Washington, California, Nevada, and Utah.

The Forest Service and the BLM have about exhausted their budget for fighting fires. They can't stop fighting fires. So they are going to have to gut their other budgets, including budgets that would mitigate future fire risk, fuel reduction, and other programs. They will also cut recreation and other things that people really care about. Congress has not seen fit to give them adequate money.

There is a bipartisan, bicameral proposal, supported by the President—that is about the rarest thing in Washington, D.C., these days—to give the Forest Service and the BLM the tools they need, an adequate budget, and for these extreme fires—the 1 percent that cost 30 percent of the budget—treat those like emergencies, like we do floods, hurricanes, and tornadoes.

What have the Republicans done with this? Nothing. Nada. Zip. Not one hearing. Not one mention, except in the Ryan budget, where he said he didn't support that approach; they should just gut their budgets, or we should kill some other program to pay for fighting fires.

HOLD THE PRESIDENT RESPONSIBLE FOR HIS BORDER CRISIS

(Mr. SMITH of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Texas. Mr. Speaker, it is not too late to do the right thing, and that is hold the President responsible for his immigration policies.

His ignoring immigration laws and weakening immigration laws through executive orders has caused the border crisis. It has encouraged tens of thousands of illegal immigrants to undertake a dangerous journey north.

The burden rests on the President to enforce current immigration laws. Otherwise, he will continue to reap the whirlwind of displaced families and an unsecure border.

To those who say, ''We have to do something,'' the answer is, ''Yes, tell the President to uphold the Constitution and faithfully execute the laws.''

The President doesn't need more power. He doesn't need more money. He just needs to keep his oath of office.

THE MANY ISSUES FACING THE CONGRESS

(Ms. JACKSON LEE asked and was given permission to address the House for 1 minute.)

Ms. JACKSON LEE. Mr. Speaker, let me welcome the young African leaders that are here from all over Africa. They came because they view America as a working government, a government of democracy and collaboration and coalition. So I welcome them. But I also ask my colleagues to show them that government and pass the emergency supplemental now.

The issues at the border, the unaccompanied children, are not the fault of President Obama or any of us who believe in immigration reform. They are the fault of people fleeing violence, prepared to flee from losing their lives.

Just like the unfortunate circumstances in Nigeria, where Boko

Haram is terrorizing people, people are fleeing for their lives. Boko Haram needs to be addressed because they have just kidnapped the Vice Prime Minister's wife in Cameroon. And, as well, we need to bring about some solution to the devastation of Ebola in Liberia, brought to my attention.

Mr. Speaker, there are many issues. We should not go home. We should address them and not point the blame. We need to get to work and do what is right by the people of the world and the American people.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, the Chair will postpone further proceedings today on motions to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote incurs objection under clause 6 of rule XX.

Record votes on postponed questions will be taken later.

TRANSPARENT AIRFARES ACT OF 2014

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4156) to amend title 49, United States Code, to allow advertisements and solicitations for passenger air transportation to state the base airfare of the transportation, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4156

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Transparent Airfares Act of 2014''.

SEC. 2. ADVERTISEMENTS AND SOLICITATIONS FOR PASSENGER AIR TRANSPORTATION.

(a) FULL FARE ADVERTISING.—Section 41712 of title 49, United States Code, is amended by adding at the end the following:

''(d) FULL FARE ADVERTISING.—

''(1) IN GENERAL.—It shall not be an unfair or deceptive practice under subsection (a) for a covered entity to state in an advertisement or solicitation for passenger air transportation the base airfare for the air transportation if the covered entity clearly and separately discloses—

''(A) the government-imposed taxes and fees associated with the air transportation; and

''(B) the total cost of the air transportation.

''(2) FORM OF DISCLOSURE.—

''(A) IN GENERAL.—For purposes of paragraph (1), the information described in paragraphs (1)(A) and (1)(B) shall be disclosed in the advertisement or solicitation in a manner that clearly presents the information to the consumer.

''(B) INTERNET ADVERTISEMENTS AND SOLICITATIONS.—For purposes of paragraph (1), with respect to an advertisement or solicitation for passenger air transportation that appears on an Internet Web site, the information described in paragraphs (1)(A) and (1)(B) may be disclosed through a link or pop-up, as such terms may be defined by the Secretary, that displays the information in a manner that is easily accessible and viewable by the consumer.

''(3) DEFINITIONS.—In this subsection, the following definitions apply:

''(A) BASE AIRFARE.—The term 'base airfare' means the cost of passenger air transportation, excluding government-imposed taxes and fees.

''(B) COVERED ENTITY.—The term 'covered entity' means an air carrier, including an indirect air carrier, foreign carrier, ticket agent, or other person offering to sell tickets for passenger air transportation or a tour or tour component that must be purchased with air transportation.''.

(b) LIMITATION ON STATUTORY CONSTRUCTION.—Nothing in the amendment made by subsection (a) may be construed to affect any obligation of a person that sells air transportation to disclose the total cost of the air transportation, including government-imposed taxes and fees, prior to purchase of the air transportation.

(c) REGULATIONS.—Not later than 120 days after the date of enactment of this Act, the Secretary shall issue final regulations to carry out the amendment made by subsection (a).

(d) EFFECTIVE DATE.—This Act, and the amendments made by this Act, shall take effect on the earlier of—

(1) the effective date of regulations issued under subsection (c); and

(2) the date that is 180 days after the date of enactment of this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials for the RECORD on H.R. 4156.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4156. Let me begin by thanking my colleagues on the Democratic side of the aisle for their helpful support on this bill: Congressmen DEFAZIO, RAHALL, and RICK LARSEN of Washington. And on the Republican side, I would like to thank Congressmen FRANK LOBIONDO and TOM GRAVES of Georgia for their help and bipartisanship in crafting this bill.

A special thanks to Congressman TOM GRAVES who, in the 112th Congress, introduced similar legislation. He reached out to us early in the process and has been a true leader, helping us craft and move this legislation forward to provide absolute transparency to the flying public through H.R. 4156.

Before I explain the bill, I will enter into the RECORD letters of support for H.R. 4156, which represent a broad spectrum of support from business and labor.

A4A, AFA, IAMAW, APA, CAPA, SWAPA,

April 1, 2014.

DEAR REPRESENTATIVE: We write to urge your support for the Transparent Airfares Act of 2014 (H.R. 4156). This bipartisan legislation will enhance airfare transparency for airline customers by ensuring that they know exactly how much of their ticket price is attributable to federal taxes and fees while still knowing the full price of air travel before they purchase a ticket.

In January 2012, the U.S. Department of Transportation (DOT) fundamentally changed U.S. airline industry advertising practices by implementing a Full Fare Advertising (FFA) rule, which reduced airfare transparency by requiring airlines to include government-imposed taxes and fees in the base price of an advertised fare. DOT's previous advertising rules had been in effect for 25 years—through Democratic and Republican administrations. Under the previous rules, airlines and travel agents were allowed listed government-imposed taxes and fees separately from the base price of a ticket in advertisements—as all other U.S. consumer products, with the exception of gasoline, are sold.

Our industry is critical to the U.S. economy. The U.S. commercial aviation sector drives more than $1 trillion in annual economic activity—approximately 5 percent of U.S. Gross Domestic Product—and 10 million U.S. jobs. The industry's long-term viability and global competitiveness is threatened by a rising federal aviation tax burden that has increased 30-fold over the last three decades. On a typical $300 one-stop domestic roundtrip ticket, airline customers pay $62 in federal taxes and fees, or 21 percent of the ticket price. The federal tax bite will increase to $63 in July when the Transportation Security Administration passenger security fee will more than double from $2.50 per flight segment to $5.60 per one-way trip. Consequently, air travel is currently taxed at a higher federal rate than alcohol and tobacco, which are subject to so-called ''sin taxes'' intended to discourage their use.

Requiring airlines to include rising taxes and fees in advertisements and offers from airline and travel agent websites can dampen demand for travel and ultimately cost even more jobs in an industry that has lost nearly one-third of its work force since 2001, typically resulting in reduced service to small and rural communities. Since air travel is often an optional choice for individual consumers and businesses, even the smallest increase—or perceived increase—in airline tickets costs has a negative impact on travel decisions. In fact, in 2012, the U.S. Government Accountability Office found that a one percent increase in the cost of an airline ticket, including taxes and fees, would result in a one percent reduction in the quantity of tickets sold.

Your support of H.R. 4156 will help enhance airfare transparency for consumers, protect U.S. airline jobs and preserve air service to small and rural communities. We appreciate your consideration of this important legislation and hope that Congress will pass the bill on a strong, bipartisan basis as soon as possible.

Sincerely,

AIRLINES FOR AMERICA,
ASSOCIATION OF FLIGHT ATTENDANTS—CWA,
INTERNATIONAL ASSOCIATION OF MACHINISTS & AEROSPACE WORKERS,
ALLIED PILOTS ASSOCIATION,
COALITION OF AIRLINE PILOTS ASSOCIATION,

SOUTHWEST AIRLINES PILOTS' ASSOCIATION.

AIR LINE PILOTS ASSOCIATION INTERNATIONAL
Washington, DC, March 13, 2014.

DEAR REPRESENTATIVE: On behalf of the nearly 50,000 professional airline pilots represented by the Air Line Pilots Association, International (ALPA), I write in support of H.R. 4156, the Transparent Airfares Act of 2014.

The Transparent Airfares Act of 2014 seeks to restore the transparency of airline ticket advertisement. In January 2012, the Department of Transportation (DOT) introduced a regulation that prohibits airfare advertisements from highlighting the base cost of an airline ticket. The regulation instead mandated that the total cost of airfare, including government-imposed taxes and fees, be presented as a single price shown to the consumer. This misguided policy effectively hides the magnitude of government imposed taxes and fees from consumers, which typically constitute 21 percent of the total ticket cost.

The Transparent Airfares Act will restore transparency to air travel advertising by allowing airlines to separately declare the base airfare and additional government-imposed taxes and fees. In addition to providing consumers with greater information, the bill will remove the often misplaced blame airlines receive with regard to airfare increases. The legislation has been introduced by Transportation and Infrastructure Committee leaders Chairman Bill Shuster (R–PA), Ranking Member Nick J. Rahall, (D–WV), Aviation Subcommittee Chairman Frank LoBiondo (R–NJ), Aviation Subcommittee Ranking Member Rick Larsen (D–WA), and Senior Committee Members Peter DeFazio (D–OR) and Tom Graves (R–GA).

The Air Line Pilots Association, International strongly supports this move towards greater transparency in airline ticket advertisement. We urge you to add your name as a cosponsor of H.R. 4156.

Sincerely,

LEE MOAK,
President.

INTERNATIONAL BROTHERHOOD OF TEAMSTERS,
Washington, DC, March 20, 2014.

Hon. BILL SHUSTER,
House Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: On behalf of the 1.4 million members of the International Brotherhood of Teamsters, I am writing to state our support for H.R. 4156, the Transparent Airfares Act of 2014.

H.R. 4156 reverses the Department of Transportation's Full Fare Advertising Rule, which requires airlines to include taxes and fees in the price quotes they give to customers when they shop online for flights. This requirement negatively impacts consumers in two ways. First, it effectively shields consumers from knowing what portion of their ticket price is the base fare and which portion is imposed taxes, which makes it nearly impossible to compare base fares. Second, the consumer is misled into thinking that airline ticket prices are higher than they actually are. This has a chilling effect on the demand for air travel by making the advertised price of an airline ticket artificially higher.

Consumers have a right to see the full breakdown of their ticket price, especially when taxes and fees imposed on air travel are on the rise. While the Department of Transportation had good intentions, in practice this regulation has actually reduced transparency. H.R. 4156 is practical legislation that will bring air travel in line with virtually all other consumer products which are sold at base price, with taxes added on at the point of purchase.

The International Brotherhood of Teamsters is pleased to offer our support for H.R. 4156. We thank you for taking the lead on this important issue and look forward to working with you to ensure the bill's swift enactment.

Sincerely,

JAMES P. HOFFA,
General President.

Mr. SHUSTER. Mr. Speaker, H.R. 4156, the Transparent Airfares Act of 2014, is a commonsense, fair, bipartisan bill that provides airfare transparency to the flying public.

In January of 2012, a Department of Transportation rule went into effect that requires the airlines and travel agents to bury government-imposed taxes and fees in the advertised price of a ticket. This rule effectively masks and, I would argue, hides the current government-imposed taxes and fees on consumers.

H.R. 4156 clarifies that it is not an unfair or deceptive practice to display, in an advertisement or solicitation, the base fare for the air transportation as long as the taxes, fees, and total costs are clearly and separately disclosed—again, let me repeat that: clearly and separately disclosed—in the advertisement or solicitation.

This bill will allow the airlines and travel agents to display the actual cost of air travel in a clear and transparent way, enabling travelers to see the base airfare and government-imposed taxes and fees. For instance, right now, the DOT requires airlines and travel agents to advertise a $237 plane ticket as costing $300, hiding the $63 of government taxes and fees from consumers. It is only fair that consumers know what they are paying for. So I urge all of my colleagues to support this bipartisan bill, with 50 cosponsors.

With that, I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

The so-called Bipartisan Budget Act of 2013, which I opposed for many reasons, but buried deep within it—you know, they were sitting down, crunching numbers. They had the Ryan-Murray budget deal, and they had to meet certain targets. They were short. You can't raise taxes around here. Well, yes, maybe you kind of can, things that are taxes that don't look like taxes.

So the deal that was cut was a 125 percent increase in the TSA passenger security fee. Now, many Americans probably wouldn't object too much to a passenger security fee increase if they thought it was going to enhance passenger security, especially with better throughput for the long lines at the airports. But no, that is not where the money is going. It is just going somewhere in the Federal Treasury. Maybe it will help reduce the deficit. Maybe it will be spent on something else. No one knows. But airline passengers will pay it.

□ 1415

A one-stop flight from Eugene to San Francisco used to be $2.50. The tax will now be $5.60. That is a pretty steep increase, and that is what really drove me to support this legislation.

I am happy to talk about increased taxes and have an upfront debate about it, where it is needed and where it needs to be reformed, but these invisible things like this, where some backroom deal between a senior House Republican and a Democrat in the Senate, where they just stick it on to airline passengers, that shouldn't happen.

It can happen, in part, because nobody knows. They weren't watching the debate, it was buried in the bill, and they don't see it in the required full-fare advertising. There is just one big number.

Well, where does all that money go? Well, guess what, a lot of it goes to the government, and as of this week, on a one-way flight to San Francisco, another $3.10 will go to the government. So I think if we had good disclosure of the tax part, then it wouldn't be as easy for some of my colleagues to sneak that stuff through.

Now, secondly, we are kind of looking at the nanny state here. Do you know what the current rule is? Well, the airlines can advertise the taxes after the full fare, the aggregate fare, but it has to be in smaller print. It has to be in smaller print. Talk about the nanny state. Give me a break.

What do you think, Americans are idiots? Besides that, I have trouble with small print, and a lot of other people do too. So they are probably going to be really squinting, trying to read the small print part, where the big numbers stand out.

Third, why airlines? Why did they go after the aviation industry? Whoa—were there a lot of complaints? No, there weren't. In May 2011, there were four complaints about fare advertising out of 1,062 complaints. If they really wanted the FAA to focus on things, they would look at customer service, baggage, 143, 120, boarding problems, 116, refunds, et cetera, et cetera, et cetera.

So the FAA somehow went out in search of a problem that didn't exist; but guess what? Did they fix the problem that didn't exist? Did we go from four complaints to zero? Oops—no. Actually, May 2014, with the new full-fare advertising rule with the tiny print for government and big print for the total cost, they had 12 complaints. Complaints are up 300 percent.

Now, I wonder what that is about, so I would say that this was a nanny state rule in search of a problem that didn't exist that may have created a problem that does exist. There is a whole host of issues that go to price sensitivity, many studies about that, and other things.

So it is detrimental to the industry; it is, I think, confusing; and I think it

is deceptive. In March, I was going to hike the Grand Canyon. I was going to rent a car that was going to sit for 7 days. I didn't want to pay a lot for a rental car to sit for 7 days. So I went on Priceline, and I bid. I got a car for $19 a day—pretty good, but I know that the next page is going to tell me what I am really going to pay.

Now, any informed consumer knows that. It is prominent because you have to get finally to click and agree to the end, so you are going to see the whole thing. It is the same thing with airline tickets under this bill. You will see first what the airline is charging you. Next, you will see what the government is charging you, and then, finally, you will see what you will pay.

That is just like I paid for this rental car, just like a hotel room, just like for cruises and everything else.

Now, I don't want to give anybody down at DOT any ideas—or whatever other agencies have jurisdiction in those areas—because I don't want them to start thinking, well, wait a minute, maybe we need a nanny state rule too because we don't have one for rental cars and we don't have one for cruises. No, that is not my point.

My point is consumers are pretty smart. We are not concealing anything here. Give us full and meaningful information, and help me prevent people sticking fees on to airline passengers that have nothing to do with aviation in secret budget deals in the future.

With that, I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman from Oregon for enlightening us to some of those facts that I was not aware of. Complaints going up 300 percent in the new law is quite shocking, but I do agree with the gentleman completely on his argument that there needs to be transparency.

It is not fair and it is not right that the government can hide those fees when there are other industries and other modes of transportation that have to put them out there in full, plain view of the traveling public.

The gentleman is correct that the traveling public and the consumers understand. They can look, they can read, and they can add and subtract. So, again, I think this is a fair and prudent piece of legislation that is going to make sure it is transparent for the traveling public.

Once again, I want to thank the gentleman from Oregon for being a big supporter on this, as well as the ranking member of the Subcommittee on Aviation, Mr. LARSEN; as well as the full committee ranking member, Mr. RAHALL; and, of course, Mr. LOBIONDO, the chairman of the subcommittee.

Again, a special thanks to TOM GRAVES, who has been so effective in working this issue and working with us to put forth this bill that is bipartisan today.

Does the gentleman have any other speakers?

Mr. DEFAZIO. No, I have no requests for time. Apparently, we have done something unusual around here, created something that doesn't seem to be controversial, except among a few talking heads out there somewhere.

Mr. Speaker, having no requests for time, I am happy to yield back the balance of my time.

Mr. SHUSTER. Mr. Speaker, I thank the gentleman for working with me, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4156.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

WILLIAM H. GRAY III 30TH STREET STATION

Mr. SHUSTER. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4838) to redesignate the railroad station located at 2955 Market Street in Philadelphia, Pennsylvania, commonly known as ''30th Street Station'', as the ''William H. Gray III 30th Street Station''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4838

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. REDESIGNATION.

The railroad station located at 2955 Market Street in Philadelphia, Pennsylvania, commonly known as ''30th Street Station'', shall be known and designated as the ''William H. Gray III 30th Street Station''.

SEC. 2. REFERENCES.

Any reference in a law, map, regulation, document, paper, or other record of the United States to the railroad station referred to in section 1 shall be deemed to be a reference to the ''William H. Gray III 30th Street Station''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentlewoman from Florida (Ms. BROWN) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. SHUSTER. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 4838.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. SHUSTER. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.R. 4838, and I am honored to rise in support of H.R. 4838, which renames Amtrak's 30th Street Station for William H. Gray III.

I am proud to be a Pennsylvanian and proud to have known Mr. Gray. Mr. Gray led a life of service in his church and to the Second District of Pennsylvania, to the education community, and to America.

Representative Gray served the Second District for six terms and was the first African American House Budget Committee chairman and first African American House majority whip.

He also helped provide Federal resources for the renovation of Amtrak's 30th Street Station, so it is only appropriate today that we have a bill on the floor that would rename the 30th Street Station for him. As I understand it, this will have no cost to the taxpayers, but, again, I probably have used the 30th Street Station more than any other station, whether traveling from Union Station to Philadelphia or traveling from the Harrisburg terminal to Philadelphia.

Again, it is a beautiful building, and, again, with the renaming of it, I think it is very appropriate that we name it for William Gray.

With that, I urge the support of H.R. 4838, and I reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in strong support of H.R. 4838, which designates Amtrak's 30th Street Station in Philadelphia, Pennsylvania, as the William H. Gray III 30th Street Station.

For those who did not know him, Bill Gray was a tireless advocate for both the people of the Second District of Philadelphia and Amtrak. He was first elected to the U.S. House of Representatives in 1978 and served with distinction until 1991, when he went on to serve as president of the United Negro College Fund, before founding Gray Global Advisors.

During his tenure in the House, Bill Gray served as the first African American to chair the Budget Committee and the first to serve as the majority whip from 1989 to 1991. His role on the Budget Committee and, later, the Appropriations Committee enabled him to help boost Federal spending on public housing and revitalize Amtrak's 30th Street Station, one of the busiest intercity passenger rail service in the United States.

I want to thank Congressman CHAKA FATTAH for introducing this important legislation recognizing the chairman's great accomplishments.

In 2011, Amtrak renamed its Wilmington station stop the JOSEPH R. BIDEN, Jr., Railroad Station. Amtrak was able to accomplish this without any disruption to operations, including its ticketing and reservation systems, training, schedule, and other references to the station, and we expect Amtrak will carry this renaming in the same manner.

Mr. Speaker, again, I want to congratulate and thank Congressman FATTAH for honoring the great legend

of Bill Gray's strong leadership and steadfast support of Amtrak. I urge my colleagues to join me in supporting this bill, and I reserve the balance of my time.

Mr. SHUSTER. Mr. Speaker, our side has no more speakers, so I continue to reserve the balance of my time.

Ms. BROWN of Florida. Mr. Speaker, I yield as much time as he may consume to the gentleman from Pennsylvania, Congressman CHAKA FATTAH.

Mr. FATTAH. Well, I thank the gentlewoman, and I thank the chairman of the Transportation and Infrastructure Committee. As an appropriator, we were going to proceed in an appropriations bill with this naming, but after consulting with the chairman, he felt that it was important that we proceed under regular order and that this was important enough that we have an actual piece of legislation, and he guided me through this process.

I want to thank the chairman for his advice on the matter, and also, we were able to round up every single member of the Federal delegation from our State who were enthusiastic in their support for this, and our cosponsors—and our two United States Senators have introduced a companion bill in the Senate, Senator TOOMEY, and our senior Senator, Senator CASEY. We thank Senators TOOMEY and CASEY for their support.

Mr. Speaker, Bill Gray served for 12 years as Budget Committee chair and as majority whip. He was an accomplished lawmaker and leader in a bipartisan way. He helped to lead the budget negotiations with President Reagan's administration, which at first sought to eliminate Amtrak, but in the conclusion, it was Secretary Stockman who said that it was Bill Gray's leadership that allowed for necessary cuts to be made in other areas of the budget, but for Amtrak to continue to receive the necessary support, so that it could be a vital part of our transportation infrastructure.

He also, as the chairman has indicated, directly impacted the station in Philadelphia by arranging for some urban development action grants to be the focus of revitalization of the station at 30th Street.

Now, I live in a city in which we have the Betsy Ross Bridge, the Walt Whitman Bridge, and the Ben Franklin Parkway, but to add to this now the Bill Gray Station at 30th Street I think appropriately recognizes the historical contribution of a young man who was elected at 38, who served in this Congress, and provided extraordinary service.

When he left here, he went on to lead the Nation's most aggressive effort ever in terms of scholarships for students to pursue colleges who were coming from underrepresented categories.

He served as a special envoy for President Clinton, in terms of interacting around challenges in Haiti, and on a day where we had the Young African Leaders summit here in Washington, some 500 young leaders, Gray is most remembered in Africa because he championed and passed successfully the divestiture of South Africa, the legislation that would effect the divestiture of stock to end apartheid, and as a freshman, he passed a bill that created the African Development Bank. Freshmen at that point, and even today, find it difficult to pass major legislation in our House.

So I think it is great that we have come to this moment, and even though I passed other very important pieces of legislation, I am extraordinarily and personally honored to be able to carry this bill. I thank the gentlewoman from Florida, the ranking member, and the chairman for all of the courtesies that have been extended.

□ 1430

Ms. BROWN of Florida. Mr. Speaker, I have one quick question.

Mr. FATTAH, were you aware that the gentleman was raised on the campus of Florida A&M University where his father was the president?

Mr. FATTAH. Will the gentlewoman yield?

Ms. BROWN of Florida. I yield to the gentleman from Pennsylvania.

Mr. FATTAH. I am aware that he was raised by educators and that his father was the president of a great college in Florida. I think it is appropriate that you would come in from Florida to help us move this bill forward. But Bill Gray loved you, and he loved the State of Florida. He made that his home once he retired from the Congress representing Pennsylvania.

Ms. BROWN of Florida. Were you also aware that he was one of the most outstanding preachers that this country has ever known?

Mr. FATTAH. I am convinced, in terms of someone mounting a pulpit, there are very few people who could claim the mantle that he claimed as pastor of Bright Hope Baptist Church. He was just an extraordinary figure. There are so many stories on a bipartisan basis that could be told. I think it is great that years—decades—after his service and before a year has passed since his passing that the House is taking this step today to honor his service. It honors us that he served here.

Ms. BROWN of Florida. I thank you, and I thank his wife, his children, and his family.

I yield back the balance of my time.

Mr. SHUSTER. I appreciate the gentlelady yielding back the balance of her time so I get the final word. Sometimes I don't always get the final word with the gentlelady from Florida. I didn't know if you knew he was a graduate of Franklin & Marshall College in Lancaster, Pennsylvania. So he was educated at a great school in central Pennsylvania, so we would like to take some credit.

Mr. FATTAH. Will the gentleman yield?

Mr. SHUSTER. I yield to the gentleman.

Mr. FATTAH. I was aware of that, and he constantly reminded those of us from Philadelphia that it wasn't Penn or some of these other institutions in which he got fortified for his national service role.

Mr. SHUSTER. I appreciate the gentleman pointing that out. I am a graduate of Dickinson College, which used to be in the MAC, Middle Atlantic Conference, which F&M was in, so I share that heritage of the MAC conference with Mr. Gray.

The other thing I wanted to point out, his family moved to Philadelphia in 1949. His father took over the church of his grandfather, and then Bill Gray led that church, and so he was a third-generation pastor at the Bright Hope Baptist Church in Philadelphia. After pointing that out, some folks around here know my heritage.

I spoke to my father this weekend and asked him what he remembered about Bill Gray. My father said he was smart, he was hardworking and tough, and he was a true gentleman. So he sent his best down here for this debate also.

Finally, I just want to thank Amtrak for working with us to be able to move this forward. The president of Amtrak, Joe Boardman, and his staff worked very hard to ensure this became a reality. Being able to name the station for a Pennsylvanian, someone with a tremendous background and experience, it has been an honor for me to take part in this.

With that, I yield back the balance of my time.

Ms. SCHWARTZ. Mr. Speaker, Bill Gray was a friend and mentor.

With his unwavering dedication to public service, Bill made an indelible mark on the history of Philadelphia and the U.S. House of Representatives.

Bill was a trailblazer and was truly one of the most remarkable public figures in Philadelphia.

He was a proud leader and representative of the people of Philadelphia and a staunch advocate for the working families and those less fortunate in Pennsylvania and across the nation.

In the House, Bill was the first African American to serve as Chairman of the Budget Committee and the first to rise to the rank of Majority Whip.

I am proud to support this measure to name Philadelphia's 30th Street Station in his honor.

Ms. JACKSON LEE. Mr. Speaker, I rise is strong support of H.R. 4838, which designates the railway station located at 2955 Market St. in Philadelphia, Pennsylvania, commonly known as the "30th Street Station," as the "William H. Gray III 30th Street Station."

This is a fitting tribute to the late Congressman William H. "Bill" Gray III, who was a legislator, a politician, a pastor, a teacher, a public servant, and a larger-than-life patriot.

Congressman Bill Gray was born on August 20, 1943 in Baton Rouge, Louisiana, but he spent most of his childhood in Florida, where his father was president of Florida Normal and Industrial College, which later became Florida A & M University.

Congressman Gray, like his father, was a strong supporter of education and leading advocate for strengthening America's educational systems.

He earned several degrees: a bachelor's degree in 1963 from Franklin and Marshall College, a Master's of Divinity in 1966 from Drew Theological Seminary, and another Master's in Church History from Princeton Theological Seminary in 1970.

Additionally, he was awarded more than 65 honorary degrees from America's leading colleges and universities.

At an early age, he accepted his calling to become a preacher, and from that day, he proclaimed the Gospel of Jesus in the church, in the community, and even in the halls of Congress. His faith was unshakable. It was evident that he lived his life based upon what he preached.

Congressman Gray was the pastor of Bright Hope Baptist Church in Philadelphia for more than 25 years, a church pastored by his father and grandfather.

Elected to the United States House of Representatives in 1978, Congressman Gray was a persistent voice for equal rights, educational access, and opportunity for all persons, in the United States and abroad.

In 1985, Congressman Gray became the first African American in history to chair the House Budget Committee, where he introduced H. R. 1460, the ''Anti-Apartheid Action Act of 1985,'' which prohibited loans and new investment in South Africa and imposed sanctions on imports and exports with South Africa.

In 1989, Congressman Gray was elected by his colleagues Chairman of the Democratic Caucus and later that year was elected Majority Whip.

As the first African American to hold these two senior leadership positions, Bill Gray's success inspired a generation of African American elected officials.

In 1991, Congressman Gray resigned from Congress to become the president and chief executive officer of the United Negro College Fund (UNCF).

Approximately one-half of the more than $1.6 billion raised in UNCF's history was collected during Congressman Gray's tenure.

During the Clinton Administration, Congressman Gray served as President Clinton's special adviser on Haiti.

As a result of his commitment to Haiti, Congressman Gray and President Clinton received the Medal of Honor from Haitian President Jean-Bertrand Aristide.

Mr. Speaker, there is only one word to convey the sweep and scope of Congressman Gray's life of service: giant. He was a giant of Philadelphia, of the Congress, and in the history of our country.

By designating ''30th Street Station'' to ''William H. Gray 30th Street Station,'' the American people, not just the residents of Philadelphia, will be reminded of Congressman Gray's illustrious legacy of public service to his city, his state, his country, and the world.

I urge all of my colleagues to join me in supporting passage of H.R. 2430.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. SHUSTER) that the House suspend the rules and pass the bill, H.R. 4838.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

REDUCING REGULATORY BURDENS ACT OF 2013

Mr. GIBBS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 935) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 935

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Reducing Regulatory Burdens Act of 2013''.

SEC. 2. USE OF AUTHORIZED PESTICIDES.

Section 3(f) of the Federal Insecticide, Fungicide, and Rodenticide Act (7 U.S.C. 136a(f)) is amended by adding at the end the following:

''(5) USE OF AUTHORIZED PESTICIDES.—Except as provided in section 402(s) of the Federal Water Pollution Control Act, the Administrator or a State may not require a permit under such Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under this Act, or the residue of such a pesticide, resulting from the application of such pesticide.''.

SEC. 3. DISCHARGES OF PESTICIDES.

Section 402 of the Federal Water Pollution Control Act (33 U.S.C. 1342) is amended by adding at the end the following:

''(s) DISCHARGES OF PESTICIDES.—

''(1) NO PERMIT REQUIREMENT.—Except as provided in paragraph (2), a permit shall not be required by the Administrator or a State under this Act for a discharge from a point source into navigable waters of a pesticide authorized for sale, distribution, or use under the Federal Insecticide, Fungicide, and Rodenticide Act, or the residue of such a pesticide, resulting from the application of such pesticide.

''(2) EXCEPTIONS.—Paragraph (1) shall not apply to the following discharges of a pesticide or pesticide residue:

''(A) A discharge resulting from the application of a pesticide in violation of a provision of the Federal Insecticide, Fungicide, and Rodenticide Act that is relevant to protecting water quality, if—

''(i) the discharge would not have occurred but for the violation; or

''(ii) the amount of pesticide or pesticide residue in the discharge is greater than would have occurred without the violation.

''(B) Stormwater discharges subject to regulation under subsection (p).

''(C) The following discharges subject to regulation under this section:

''(i) Manufacturing or industrial effluent.

''(ii) Treatment works effluent.

''(iii) Discharges incidental to the normal operation of a vessel, including a discharge resulting from ballasting operations or vessel biofouling prevention.''.

The SPEAKER pro tempore (Mr. WOMACK). Pursuant to the rule, the gentleman from Ohio (Mr. GIBBS) and the gentleman from Oregon (Mr. DEFAZIO) each will control 20 minutes.

The Chair recognizes the gentleman from Ohio.

GENERAL LEAVE

Mr. GIBBS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include extraneous materials on H.R. 935.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Ohio?

There was no objection.

Mr. GIBBS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 935, the Reducing Regulatory Burdens Act of 2013. I introduced H.R. 935 to clarify the congressional intent regarding how the use of pesticides in or near navigable waters should be regulated.

It is the Federal Insecticide, Fungicide, and Rodenticide Act, also known as FIFRA, and not the Clean Water Act, which has long been the Federal regulatory statute that governs the safety and use of pesticides in the United States. In fact, FIFRA has regulated pesticides long before the enactment of the Clean Water Act. However, more recently, as the result of a number of lawsuits, the Clean Water Act has been added as a new and redundant layer of Federal regulation over the use of pesticides.

H.R. 935 is aimed at reversing a decision in the Sixth Circuit Court of Appeals in National Cotton Council v. EPA, which imposed Clean Water Act permitting on pesticide use. That case vacated a 2006 Environmental Protection Agency rule that codified EPA's longstanding interpretation that the application of a pesticide for its intended purpose and in compliance with the requirements of FIFRA is not a discharge of a pollutant under the Clean Water Act, and, therefore, an NPDES permit is not required.

In vacating the rule, the Sixth Circuit substituted judge-made policy choices for reasonable Agency interpretations of the law. In the process, the court undermined the traditional understanding of how the Clean Water Act interacts with other environmental statutes and judicially expanded the scope of Clean Water Act regulation further into areas and activities not originally envisioned or intended by Congress. As a result of that court decision, EPA has been required to develop and impose a new and expanded NPDES permitting process under the Clean Water Act to cover pesticide use.

EPA has estimated that approximately 365,000 pesticide users, including State agencies, cities, counties, mosquito control districts, water districts, pesticide applicators, farmers, ranchers, forest managers, scientists, and even everyday citizens that perform some 5.6 million pesticide applications annually would be affected by the court's ruling. This substantially increases the number of entities subject to NPDES permitting.

With this ill-advised court decision, Federal and State agencies are expending vital funds to initiate and maintain Clean Water Act permitting programs governing pesticide applications, and a wide range of public and private pesticide users are now facing increased financial and administrative burdens in order to comply with the new permitting process.

Despite what the fearmongers suggest, all of this expense comes with no additional environmental protection. NPDES compliance costs and fears of potentially ruinous litigation associated with complying with the new NPDES requirements for the use of pesticides are forcing mosquito control other pest control programs to reduce operations and redirect resources to comply with the regulatory requirements.

In many States, routine preventive programs have been reduced due to the NPDES requirements. This most likely impacted and increased the record-breaking outbreaks of West Nile virus around the Nation in 2012. In response to West Nile outbreaks, many States and communities had to declare public health emergencies, resulting in pesticide use to control mosquitoes with the delay caused by the NPDES permitting process. It remains to be seen how the control of mosquitoes will be affected this year, although recent press reports are noting an increase this summer in West Nile virus and the spread of a newly introduced tropical disease spread by mosquitoes.

H.R. 935 will enable communities to resume conducting routine preventive mosquito control programs in the future. H.R. 935 exempts from the NPDES permitting process a discharge to waters involving the application of a pesticide authorized for sale, distribution, or use under FIFRA, where the pesticide is used for its intended purpose and the use is in compliance with pesticide label requirements.

Exempting pesticides from the NPDES permitting is appropriate because EPA already protects human health and the environment under FIFRA. When it reviews the safety of pesticides, it determines whether to approve or not approve a pesticide for use and sets the rules for each pesticide's uses under the product label.

H.R. 935 was drafted very narrowly to address the Sixth Circuit Court's holding in National Cotton Council and return the state of pesticide regulation to the status quo before the court got involved.

EPA provided technical assistance in drafting this bill so that it would achieve these objectives. Well over 150 organizations representing a wide variety of public and private entities and thousands of stakeholders support a legislative resolution of this issue. Just to name a few, these organizations include the American Mosquito Control Association, the National Association of State Departments of Agriculture, the National Water Resources Association, the American Farm Bureau Federation, Family Farm Alliance, National Rural Electric Cooperative Association, CropLife America, and Responsible Industry for a Sound Environment.

I want to thank Chairman SHUSTER and Ranking Member RAHALL for their leadership at the Transportation and Infrastructure Committee, as well as Chairman LUCAS and Ranking Member PETERSON of the Agriculture Committee for their leadership. I urge all Members to support H.R. 935.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

Well, it is Groundhog Day again here on the floor of the House of Representatives. Much of the speech we just heard actually was read 3 years ago on the floor. Three years ago, we were in a different place. There was a new pending rule. There was tremendous uncertainty whether this would be an undue burden on individuals—no, in the end, it isn't at all—on individual farmers—no, except for the largest farms over 6,000 acres—or on forestry. And no, it has not been a problem, and I have a heavily forested State. So there was tremendous uncertainty, and the House Republicans moved this legislation. Of course, it went nowhere in the Senate.

Here we are 3 years later. We have been living under the permit and general permit process, and I am going to look forward to hearing some very specific problems, denials, or litigation from the other side—not maybe, there should have, could have, would have, might be stuff, because I am not aware of any. And we have asked.

Now, sure, my Farm Bureau supports this. Hey, whatever. That is great. Others say sure, but it is not anything that we really have on our priority list.

But, you know, here we are.

Fires are burning in the West. We don't have time for a hearing or a bill to get money to the Forest Service and the Interior Department, but we do have time to do pretend legislation that isn't going anywhere in the Senate again to deal with a problem that doesn't exist.

Why doesn't it exist? Well, first of all, all individuals and applications by farmers are exempt under a permit. You follow the label, you are fine. No one can sue you.

Then you have, if you are a bigger applicator, if you are like someone who is paid to apply pesticides and herbicides, you have to give notice under a general permit. That is all you have to do. You file it online. Not too burdensome. Most applicators, I think, have access to a computer.

Is there an approval process? No. Is there a waiting period? No. You just file it, and then you are exempt from litigation if you follow the label.

So why would we have this? Well, there have been a few instances of problems, and we want to be able to track where those problems originated. So if you have a general permit out there for an industrial application or a commercial application of a certain herbicide and it starts showing up downstream with dead fish, you know probably where it came from and you can trace it back and you will probably find out that they violated the label.

Now, why did this come about? Well, for a real reason: 92,000 steelhead were killed in southern Oregon because an irrigation district chose to use a powerful herbicide in its irrigation canals and they didn't follow the label in terms of the waiting period for it to degrade. They ran the water through and killed 92,000 fish. That is where this all started.

So we are not saying they can't use it, they can't apply it—you know, they can—but we want to know where it is coming from. In that case, it was pretty easy to track back. The trail of dead fish led right back to the irrigation canal.

In other cases of impaired waters—and I have a long list in my State, and I am sure there are other States—we are not quite sure how they got impaired or where they are being impaired, and we would have a better indication if we merely have this notice requirement.

Now, there will be a lot of fearmongering here today: ''You won't be able to use stuff on your lawn.'' ''You will be liable.'' ''It won't be available.''

No, not true.

''Farmers won't be able to apply their own herbicides and pesticides.''

No, not true.

''Very large farms, commercial applicators will not be able to use it.''

No, not true, but they will need to put a notice online they are using it, and they are supposed to follow the label.

I really find it unfortunate that we are spending time on this instead of getting some additional allocation of funds to fight fires in the West. My State is burning up. Washington State is burning up. California is burning up. Other intermountain States are burning up. The Forest Service and BLM are going to run out of money this week or next.

□ 1445

They have got all their other budgets to pay for fighting fires because they can't stop fighting the fires. They can't stop.

But Congress has a bipartisan, bicameral bill agreed to by the President. There is nothing else like that in Washington, D.C., with the partisan activity around here, the conflict always between the House and the Senate.

Here is a bill agreed to by Democrats and Republicans—52 Rs, 52 Ds on the bill. Here is a bill that is pending in the House and the Senate, bicameral—it is also bipartisan on that side—and it is supported by the President.

But we can't find time to take action on that and get the Forest Service and BLM money this week because we are

doing stuff like this about pretend problems that don't exist and scaring people who use these products legitimately. It is a very sad waste of our time.

With that, I reserve the balance of my time.

Mr. GIBBS. Mr. Speaker, I yield 3 minutes to the gentleman from Oklahoma (Mr. LUCAS), the chairman of Agriculture.

(Mr. LUCAS asked and was given permission to revise and extend his remarks.)

Mr. LUCAS. Mr. Speaker, I rise in support of this legislation.

This piece of legislation before us today is very familiar to many of us. As many of you will remember, we stood here 3 years ago voting on this same bill text. That bill, H.R. 872, was passed by this body with an overwhelming demonstration of bipartisan support. The legislation was the product of collaborative work done between two House committees, along with the technical assistance of the Obama administration's Environmental Protection Agency. This is the way legislation should be handled, and I was proud of our efforts in the House.

To refresh your memory, this problem stems from an uninformed court decision in the Sixth Circuit Court of Appeals. This decision invalidated a 2006 EPA regulation exempting pesticide applications that are in compliance with the Federal Insecticide, Fungicide, and Rodenticide Act from having to also comply with a costly and duplicative permitting process under the Clean Water Act.

The effect to have these same products doubly regulated through the Clean Water Act permitting process is unnecessary, costly, and ultimately undermines public health. It amounts to a duplication of regulatory compliance costs for a variety of public agencies and doubles their legal jeopardy.

Additionally, more than 40 States have endured increased financial and administrative burdens in order to comply with the new permitting requirement process during a time when many States are already being forced to make difficult budget decisions. Should vector control agencies cease operations due to these costs, it will expose a vast new unprotected population cohort to mosquitoes potentially carrying a number of dangerous exotic diseases such as West Nile.

Some will argue the costs associated with this permit requirement have been small. As it stands, some people may believe millions of dollars to be a small amount, but I think most of our constituents would disagree. What nobody can document—and let's think about this again—what no one can document is a single benefit this burden has offered. In a time when our economy is struggling, regulatory burdens that add cost while providing no quantitative benefit need to be eliminated. This is an unnecessary, costly, duplicative permitting requirement. It is a poster child for regulatory reform.

Now, my friends, if you can only look at one thought, simply bear this in mind: by this misguided court ruling requiring the double permitting process, you are causing States to waste money. They don't have the money to waste.

I encourage my colleagues to support the legislation.

Mr. DEFAZIO. Mr. Speaker, I yield as much time as she may consume to the gentlewoman from Connecticut (Ms. ESTY).

(Ms. ESTY asked and was given permission to revise and extend her remarks.)

Ms. ESTY. Mr. Speaker, I rise today in opposition to H.R. 935.

When the House considered this bill in the 112th Congress, before I was elected to serve here, proponents like my good friend, Mr. GIBBS, argued that unless Congress acted, the process for getting a pesticide general permit under the Clean Water Act would cause agriculture, forestry, and public health-related activities to grind to a halt.

However, after almost 3 years of implementation, I am confused about the need for this bill. The sky has not fallen, farmers and forestry operators have had several successful growing seasons, and public health officials have successfully addressed multiple threats of mosquito-borne illness while at the same time complying with the sensible requirements of both the Clean Water Act and the Federal Insecticide, Fungicide, and Rodenticide Act, known as FIFRA.

I say sensible because, as we should clearly understand, the intended focus of the Clean Water Act and FIFRA are very different.

FIFRA is intended to address the safety and effectiveness of pesticides on a national scale, preventing unreasonable adverse effects on human health and the environment through uniform labels indicating approved uses and restrictions.

However, the Clean Water Act is focused on restoring and maintaining the integrity of the Nation's waters, with a primary focus on the protection of local water quality.

It is simply incorrect to say that applying a FIFRA-approved pesticide in accordance with its labeling requirement is a surrogate for protecting local water quality. As any farmer knows, complying with FIFRA is as simple as applying a pesticide in accordance with its label. Farmers do not need to look at the localized impact of that pesticide on local water quality.

If, as my colleagues suggest, FIFRA is an adequate substitute for the Clean Water Act permitting requirements, then why is it that pesticides keep showing up in water quality samples from both ground and surface waters?

If applying a FIFRA-approved pesticide according to its label is protective of human health and the environment, then why is it that so many States continue to report significant numbers of pesticide-impaired waters?

I urge my colleagues to note that, according to a 2006 study by the U.S. Geological Survey, at least one pesticide was detected in waters from all streams tested throughout the Nation. Let me repeat that. Pesticides were detected in every single stream tested by the USGS.

State water pollution control agencies have similarly identified a number of surface waters that are currently contaminated by pesticides. States have identified over 16,800 miles of rivers and streams, 1,700 square miles of bays and estuaries, and 372,000 acres of lakes that are currently impaired or threatened by pesticides, meaning that that particular water body cannot or should not be used as a source of drinking water and be appropriate for fish or shellfish propagation or recreation.

It is also telling that States continue to identify waters that remain impaired by pesticides, pesticides which have been banned by this country for decades.

Some have questioned the environmental and public health benefits of the Clean Water Act for the application of pesticides. However, many of the benefits are so obvious that perhaps we have simply overlooked them.

First, let us look, the Clean Water Act, and not FIFRA, requires pesticide applicators to minimize pesticide discharge through the use of pesticide management measures.

Second, it is the Clean Water Act, and not FIFRA, that requires pesticide applicators to monitor for and report any adverse incidents that result from spraying. I would think that monitoring for large fish kills or wildlife kills, as my colleague from Oregon has noted, would be a mutually-agreed upon benefit.

Also, it is the Clean Water Act, and not FIFRA, that requires pesticide applicators to keep records on where and how many pesticides are being applied throughout the Nation.

Again, if data is showing that a local water body is contaminated by pesticides, I would think that the public, our constituents, would want to quickly identify the likely source of the pesticide that is causing the impairment.

Finally, and perhaps most important, I am unaware of any specific example where the current Clean Water Act requirements have prevented a pesticide applicator from performing his or her services.

Despite claims to the contrary, the Clean Water Act is not being used to ban the use of pesticides.

So, again, let's summarize a few points.

First, the Clean Water Act provides a valuable service by ensuring that an appropriate amount of pesticides are being applied at appropriate times, and that pesticides are not having an adverse impact on human health or the environment.

Second, to the best of my knowledge, the pesticide general permit has not impeded pesticide applicators from

servicing both agricultural and public health communities. In fact, most pesticide applications are automatically covered under the pesticide general permit, either by no action or by the filing of the simple electronic notice of intent.

Third, Federal and State data make it very clear that the application of pesticides in compliance with FIFRA alone, as was the case for many years, was insufficient to protect bodies of water throughout the United States from being contaminated by pesticides.

If we care about water quality, we need to do more.

So, Mr. Speaker, I have to question what this legislation is really trying to accomplish. Is it really about the so-called regulatory burden of applying for a Clean Water Act permit? As we noted earlier, in the majority of cases, a small-scale user of pesticides is automatically covered by the Clean Water Act under the general permit, provided they apply pesticides in a commonsense manner.

Again, is it about the so-called threat of lawsuits? Again, if the pesticide applicator is applying the pesticide in compliance with the permit, they are statutorily immune from lawsuits under the Clean Water Act.

Is it about compliance costs? Yet, again, there is no evidence at the hearing, in the record, to demonstrate that the Clean Water Act is significantly increasing the costs of compliance to the average pesticide applicator.

The reality is there is no substantive reason why this legislation is necessary, except to limit the scope of the Clean Water Act protections from pesticide pollution that is impairing water quality across the Nation.

I urge a ''no'' vote on H.R. 935.

Mr. GIBBS. Mr. Speaker, may I inquire as to how much time we have remaining?

The SPEAKER pro tempore. The gentleman from Ohio has 12 minutes remaining. The gentleman from Oregon has 7½ minutes remaining.

Mr. GIBBS. Mr. Speaker, I yield myself such time as I may consume to respond a little bit to some of the questions that were raised by my good friend from Connecticut.

Back in 2012, the American Mosquito Control Association polled their members, and the feeling from the poll was that a lot of the public entities in the control districts for mosquitoes were kind of holding off on the preventive mosquito control programs. Of course, we had a record number of West Nile outbreaks in 2012. I think the season we probably didn't have quite the mosquito pressure was in 2013. We will see what happens in 2014.

My point is that because of the additional permitting and the costs and the time, a lot of districts did not do their preventive control, and they caused an outbreak of mosquitoes more severe than what it would have been—and that was from the American Mosquito Control Association.

With regard to pesticide application in the agriculture sector, if not in all States, in most States, these applications have to be done by certified applicators that have a lot of training. They know they have to abide by the label, because if they don't they could risk losing their applicator's license.

I would also raise the question that if you are a certified applicator, you might not follow the permit requirements under the Clean Water Act either. It all comes down to additional costs and delays, and we all know that you don't get a NPDES permit just overnight, so the cost factor is a major issue.

Another issue I think that needs to be talked a little bit about is, why do we find in some water bodies pesticide residue? The main reason we do is because we have something we call ''legacy'' from pesticides used long ago, years ago, that in a lot of cases aren't even on the market anymore, or if they are they are not being used by the industry because the industry, the agriculture industry and the industry, has done such a wonderful job of research and development in developing new pesticides that are actually more biodegradable and safer and less quantities used. We have come a long way in that technology.

As a farmer, I know that because I experienced that every growing season, the new technologies, the new applications and pesticides that we have available to us. So we really need to address that legacy issue and separate that out, what is really happening in these water bodies.

Then lots of times, too, in some of the data, the data is old from the United States Geological Service and things have changed. Also, some of the testing that has been done, some of the levels are well below what the human health benchmark standards are. So I think there is a scare tactic out there.

But we have got to make sure that we are applying these pesticides under label, which I think the industry is working well at. Because as a farmer, we drink the water first. It comes through our aquifers, our wells, and then also the streams through our property where we live around it, so we want to make sure that that water is clean.

□ 1500

So we need to assess this data—and use sophisticated methods to do that—but not have more government red tape and bureaucracy. All this does is just add time and costs and more headaches for our mosquito control districts, farmers, and others.

I just want to make the point clear that we have got to have these pesticides, and we can do it in a safe way. The technology is improving pesticide use. So that is why I think this bill is necessary to overturn a very ill-advised court decision.

I reserve the balance of my time.

Mr. DEFAZIO. Mr. Speaker, I yield myself such time as I may consume.

In conclusion, I think we have heard arguments on both sides. I am convinced more by the arguments I have heard on our side. I don't believe it is an undue burden on States. I live in a mosquito control district, and 3 years ago, they had tremendous concerns.

Last year, they went ahead with their regular program, and this year, they are going ahead with their regular permit, under a general permit which they filed online. They said it wasn't a big deal.

So I don't know where the millions of dollars comes in, unless we have States or applicators or other who don't own computers or whatever. I can't figure out where that number comes from.

So I don't believe we have created an egregious problem. Given some of the past problems and the number of impaired waterways in my State, we just want to know where the stuff is being applied. We certainly want to be certain it is applied according to the label, but if it is not, then we have some capability of tracing it back and finding the responsible party and preventing future problems and potentially penalizing those people.

With that, I yield back the balance of my time.

Mr. GIBBS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, that raises a question. If it has been going so good for the last 3 years and there is no need to pass this bill, why in the world would organizations like the American Mosquito Control Association think this bill is needed?

The American Farm Bureau, the National Water Resources Association, Farmers Union, and especially CropLife America are all experts out there that want to make sure that the pesticide use is under label and we are protecting the environment and not endangering it.

So I guess I would take issue with the comment that this legislation isn't needed because it has gone so great in the last 3 years. Well, we are finding out maybe it isn't going so great. I think that is the rhetoric from the other side.

We know that, in 2012, by a poll from the American Mosquito Control Association, a lot of our mosquito control districts did not initiate their preventative programs in the early spring. I know some of them had to declare an emergency.

The irony of this is when you declare an emergency, you do aerial spraying and everything else and not have to get a permit at all, so the environment is even more at risk. If they had done the preventative treatment, they might not have had to do aerial spraying.

I know at least one instance of a major metropolitan area in the Southern part of the country that had to do that. These organizations think this is important. Things aren't going so well. We are having a duplication with more permitting, more red tape, more headaches, and adding to cost.

So I strongly support this bill. Last Congress, I think this bill had 294 ''yea'' votes. It went over to the Senate. Unfortunately, the majority leader would not take it up. It was put in the farm bill, and there was pressure from one or two Senators to take it out. I think it would have passed strongly in the Senate, if we would have been able to have a vote on this very bipartisan initiative.

Mr. Speaker, I urge a ''yes'' vote on H.R. 935, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GIBBS) that the House suspend the rules and pass the bill, H.R. 935.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. DEFAZIO. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

CONFERRING HONORARY CITIZENSHIP ON BERNARDO DE GALVEZ Y MADRID

Mr. FRANKS of Arizona. Mr. Speaker, I move to suspend the rules and pass the joint resolution (H.J. Res. 105) conferring honorary citizenship of the United States on Bernardo de Galvez y Madrid, Viscount of Galveston and Count of Galvez.

The Clerk read the title of the joint resolution.

The text of the joint resolution is as follows:

H.J. RES. 105

Whereas the United States has conferred honorary citizenship on 7 other occasions during its history, and honorary citizenship is and should remain an extraordinary honor not lightly conferred nor frequently granted;

Whereas Bernardo de Gálvez y Madrid, Viscount of Galveston and Count of Gálvez, was a hero of the Revolutionary War who risked his life for the freedom of the United States people and provided supplies, intelligence, and strong military support to the war effort;

Whereas Bernardo de Gálvez recruited an army of 7,500 men made up of Spanish, French, African-American, Mexican, Cuban, and Anglo-American forces and led the effort of Spain to aid the United States' colonists against Great Britain;

Whereas during the Revolutionary War, Bernardo de Gálvez and his troops seized the Port of New Orleans and successfully defeated the British at battles in Baton Rouge, Louisiana, Natchez, Mississippi, and Mobile, Alabama;

Whereas Bernardo de Gálvez led the successful 2-month Siege of Pensacola, Florida, where his troops captured the capital of British West Florida and left the British with no naval bases in the Gulf of Mexico;

Whereas Bernardo de Gálvez was wounded during the Siege of Pensacola, demonstrating bravery that forever endeared him to the United States soldiers;

Whereas Bernardo de Gálvez's victories against the British were recognized by George Washington as a deciding factor in the outcome of the Revolutionary War;

Whereas Bernardo de Gálvez helped draft the terms of treaty that ended the Revolutionary War;

Whereas the United States Continental Congress declared, on October 31, 1778, their gratitude and favorable sentiments to Bernardo de Gálvez for his conduct towards the United States;

Whereas after the war, Bernardo de Gálvez served as viceroy of New Spain and led the effort to chart the Gulf of Mexico, including Galveston Bay, the largest bay on the Texas coast;

Whereas several geographic locations, including Galveston Bay, Galveston, Texas, Galveston County, Texas, Galvez, Louisiana, and St. Bernard Parish, Louisiana, are named after Bernardo de Gálvez;

Whereas the State of Florida has honored Bernardo de Gálvez with the designation of Great Floridian; and

Whereas Bernardo de Gálvez played an integral role in the Revolutionary War and helped secure the independence of the United States: Now, therefore, be it

Resolved the Senate and HouseV RepresentativesV the United States of Americain Congress assembled, That Bernardo de Gálvez y Madrid, Viscount of Galveston and Count of Gálvez, is proclaimed posthumously to be an honorary citizen of the United States.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FRANKS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous materials on H.J. Res. 105, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. FRANKS of Arizona. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida (Mr. MILLER).

Mr. MILLER of Florida. Mr. Speaker, I thank my friend, Mr. FRANKS, for yielding.

H.J. Res. 105 would bestow honorary American citizenship on General Bernardo de Galvez. Though not born in the United States, General Galvez was a true friend to our country who played an integral role in securing the independence of this Nation.

As governor of Spanish Louisiana, General Galvez provided American forces with funds, arms, and ammunition, and he provided military intelligence to the American commanders.

After Spain's entry into the war, General Galvez recruited an army of American, Spanish, and French troops and set about a multiyear campaign that decimated British forces all along the gulf coast.

General Galvez led successful campaigns in Louisiana, Mississippi, and Alabama before embarking on his seminal victory at the Siege of Pensacola, where he captured the capital of British West Florida after a bloody 2-month long battle, during which he in fact was wounded by gunfire.

General Galvez's victory left the British with no naval forces or bases along the gulf coast and prevented British troops and supplies from reaching the battles along the eastern seaboard.

His efforts to assist the formation of our country were recognized by President George Washington, President John Adams, and by the United States Continental Congress. In fact, President Washington cited General Galvez's efforts as a deciding factor in the outcome of the war.

Honorary citizenship is a rare and extraordinary recognition granted to foreigners who have rendered great service to the United States of America. Only seven individuals have been granted honorary citizenship, including two Revolutionary War heroes, the Marquis de Lafayette, and General Casimir Pulaski.

When our Founding Fathers declared our independence, they knew that they were going up against probably the world's most preeminent power. They chose to take up that battle because of their unwavering commitment to liberty and freedom, but they also knew that in order to be successful, they needed the support of allies and great men like the Marquis de Lafayette, Casimir Pulaski, and General Bernardo de Galvez.

I want to thank Chairman GOODLATTE, Chairman GOWDY, Chairman FRANKS, and the staff of the Judiciary Committee for their assistance in moving this bill through committee. I also want to thank our majority leader for bringing this bill to the floor.

I would encourage all my colleagues to support this measure to recognize General Galvez's immense contribution to the history of our country by granting him honorary American citizenship.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in support of H.J. Res. 105, which proclaims Bernardo de Galvez to be an honorary citizen of the United States posthumously and recognizes his contribution in aiding the American colonists in the fight for independence against the British.

Although he was born in Spain, General Galvez led masterful military campaigns against the British and played a crucial role in securing land and seaports on behalf of the American colonists. He additionally helped negotiate the terms of the treaty that ended the American Revolution and secured America's independence from British rule.

This is only the eighth time that Congress has bestowed posthumous citizenship, most recently in 2009, when we honored Casimir Pulaski, a Polish military officer who, like General Galvez, fought alongside American

colonists during the Revolutionary War.

This honor is reserved for only the most highly-deserving individuals, but it should be noted that it is purely symbolic and does not have any substantive effect on the immigration status of surviving family members.

In closing, General Galvez played an important role in the American Revolution, and he was recognized for his efforts by George Washington. The time has come for Congress to now recognize him by granting him posthumous citizenship.

I urge my colleagues to support the resolution, and I yield back the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself such time as I may consume, and I thank the gentleman for his support.

Mr. Speaker, H.J. Res. 105 confers honorary United States citizenship upon Bernardo de Galvez y Madrid in recognition of his many contributions to and sacrifices for the cause of American independence. I want to commend again our colleague, JEFF MILLER, for introducing this legislation, and I certainly urge my colleagues to support it.

American citizenship, Mr. Speaker, is the highest honor that our country can confer upon a person who is a citizen of another land. The granting of honorary citizenship is a symbolic gesture that welcomes the recipient into our national family.

Honorary citizenship is and should always be an extraordinary honor not lightly conferred. Congress has granted honorary citizens on only six occasions in the past to seven individuals. The seven recipients have been Casimir Pulaski, the Marquis de Lafayette, Mother Teresa, William and Hannah Penn, Raoul Wallenberg, and Winston Churchill. The last two recipients, Casimir Pulaski and the Marquis de Lafayette, both played crucial roles in the United States' victory in the Revolutionary War.

General Galvez's contributions to the war effort compare very favorably with those of Casimir Pulaski and the Marquis de Lafayette. H.J. Res. 105 states that Galvez ''provided supplies, intelligence, and strong military support to the war effort.''

Indeed, the historical record indicates that, due to the British blockade of seaports on the eastern seaboard, Galvez's secretly-coordinated smuggling operation and efforts to clear the Mississippi River of British influence helped to ensure that George Washington's Continental Army received necessary weapons and other provisions.

H.J. Res. 105 states that:

Galvez recruited an army of 7,500 men . . . and led the effort of Spain to aid the United States' colonists . . . he and his troops seized the Port of New Orleans and successfully defeated the British at battles in Baton Rouge, Louisiana; Natchez, Mississippi; and Mobile, Alabama.

Commentators and historians have uniformly lauded General Galvez's bravery, tenacity, and tactical military skill in rapidly assembling and leading a diverse, multiethnic regiment. Galvez's forces were victorious in every battle into which he led them.

H.J. Res. 105 states that Galvez ''led the successful 2-month siege of Pensacola, Florida, where his troops captured the capital of British West Florida and left the British with no naval bases in the Gulf of Mexico.''

The historical narrative surrounding Galvez's actions leading up to and throughout the 2-month-long Battle of Pensacola underscores his heroism and leadership in pursuit of the objective of pinning down the British forces and driving them from the Gulf of Mexico.

There is no question that keeping the British occupied on a second front during the war was crucial and critical to the success of General Washington's campaign.

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Mr. Speaker, some historians have noted that the length and timing of the Battle of Pensacola, in particular, impacted the number of forces and ships the British could commit to the Battle of Yorktown, which was the final campaign of the Revolutionary War.

Finally, H.J. Res. 105 states that Galvez' victories against the British were recognized by George Washington as a deciding factor in the outcome of the Revolutionary War.

I believe that Bernardo de Galvez y Madrid deeply deserves honorary citizenship, and I urge my colleagues to support this bill.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the joint resolution, H.J. Res. 105.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the joint resolution was passed.

A motion to reconsider was laid on the table.

VICTIMS OF CHILD ABUSE ACT REAUTHORIZATION ACT OF 2013

Mr. FRANKS of Arizona. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1799) to reauthorize subtitle A of the Victims of Child Abuse Act of 1990.

The Clerk read the title of the bill.

The text of the bill is as follows:

S. 1799

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Victims of Child Abuse Act Reauthorization Act of 2013''.

SEC. 2. IMPROVING INVESTIGATION AND PROSECUTION OF CHILD ABUSE CASES.

(a) REAUTHORIZATION.—Section 214B of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13004) is amended—

(1) in subsection (a), by striking ''fiscal years 2004 and 2005'' and inserting ''fiscal years 2014, 2015, 2016, 2017, and 2018''; and

(2) in subsection (b), by striking ''fiscal years 2004 and 2005'' and inserting ''fiscal years 2014, 2015, 2016, 2017, and 2018''.

(b) ACCOUNTABILITY.—Subtitle A of the Victims of Child Abuse Act of 1990 (42 U.S.C. 13001 et seq.) is amended by adding at the end the following:

''SEC. 214C. ACCOUNTABILITY.

''All grants awarded by the Administrator under this subtitle shall be subject to the following accountability provisions:

''(1) AUDIT REQUIREMENT.—

''(A) DEFINITION.—In this paragraph, the term 'unresolved audit finding' means a finding in the final audit report of the Inspector General of the Department of Justice that the audited grantee has utilized grant funds for an unauthorized expenditure or otherwise unallowable cost that is not closed or resolved within 12 months from the date when the final audit report is issued and any appeal has been completed.

''(B) AUDIT.—The Inspector General of the Department of Justice shall conduct audits of recipients of grants under this subtitle to prevent waste, fraud, and abuse of funds by grantees. The Inspector General shall determine the appropriate number of grantees to be audited each year.

''(C) MANDATORY EXCLUSION.—A recipient of grant funds under this subtitle that is found to have an unresolved audit finding shall not be eligible to receive grant funds under this subtitle during the following 2 fiscal years.

''(D) PRIORITY.—In awarding grants under this subtitle, the Administrator shall give priority to eligible entities that did not have an unresolved audit finding during the 3 fiscal years prior to submitting an application for a grant under this subtitle.

''(E) REIMBURSEMENT.—If an entity is awarded grant funds under this subtitle during the 2-fiscal-year period in which the entity is barred from receiving grants under paragraph (2), the Administrator shall—

''(i) deposit an amount equal to the grant funds that were improperly awarded to the grantee into the General Fund of the Treasury; and

''(ii) seek to recoup the costs of the repayment to the fund from the grant recipient that was erroneously awarded grant funds.

''(2) NONPROFIT ORGANIZATION REQUIREMENTS.—

''(A) DEFINITION.—For purposes of this paragraph, the term 'nonprofit organization' means an organization that is described in section 501(c)(3) of the Internal Revenue Code of 1986 and is exempt from taxation under section 501(a) of such Code.

''(B) PROHIBITION.—The Administrator may not award a grant under any grant program described in this subtitle to a nonprofit organization that holds money in offshore accounts for the purpose of avoiding paying the tax described in section 511(a) of the Internal Revenue Code of 1986.

''(C) DISCLOSURE.—Each nonprofit organization that is awarded a grant under this subtitle and uses the procedures prescribed in regulations to create a rebuttable presumption of reasonableness for the compensation of its officers, directors, trustees and key employees, shall disclose to the Administrator, in the application for the grant, the process for determining such compensation, including the independent persons involved in reviewing and approving such compensation, the comparability data used, and contemporaneous substantiation of the deliberation and decision. Upon request, the Administrator shall make the information disclosed under this subparagraph available for public inspection.

''(3) CONFERENCE EXPENDITURES.—

''(A) LIMITATION.—No amounts authorized to be appropriated to the Department of Justice under this subtitle may be used by the Administrator, or by any individual or organization awarded discretionary funds through a cooperative agreement under this Act, to host or support any expenditure for conferences that uses more than $20,000 in Department funds, unless the Deputy Attorney General or such Assistant Attorney Generals, Directors, or principal deputies as the Deputy Attorney General may designate, including the Administrator, provides prior written authorization through an award process or subsequent application that the funds may be expended to host a conference.

''(B) WRITTEN APPROVAL.—Written approval under subparagraph (A) shall include a written estimate of all costs associated with the conference, including the cost of all food and beverages, audiovisual equipment, honoraria for speakers, and any entertainment.

''(C) REPORT.—The Deputy Attorney General shall submit an annual report to the Committee on the Judiciary of the Senate and the Committee on the Judiciary of the House of Representatives on all approved conference expenditures referenced in this paragraph.''.

SEC. 3. CRIME VICTIMS FUND.

Section 1402(d)(3) of the Victims of Crime Act of 1984 (42 U.S.C. 10601(d)(3)) is amended—

(1) by inserting ''(A)'' before ''Of the sums''; and

(2) by striking ''available for the United States Attorneys Offices'' and all that follows and inserting the following: ''available only for—

''(i) the United States Attorneys Offices and the Federal Bureau of Investigation to provide and improve services for the benefit of crime victims in the Federal criminal justice system (as described in 3771 of title 18, United States Code, and section 503 of the Victims' Rights and Restitution Act of 1990 (42 U.S.C. 10607)) through victim coordinators, victims' specialists, and advocates, including for the administrative support of victim coordinators and advocates providing such services; and

''(ii) a Victim Notification System.

''(B) Amounts made available under subparagraph (A) may not be used for any purpose that is not specified in clause (i) or (ii) of subparagraph (A).''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Arizona (Mr. FRANKS) and the gentleman from Virginia (Mr. SCOTT) each will control 20 minutes.

The Chair recognizes the gentleman from Arizona.

GENERAL LEAVE

Mr. FRANKS of Arizona. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous materials on S. 1799, currently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Arizona?

There was no objection.

Mr. FRANKS of Arizona. Mr. Speaker, I yield myself such time as I may consume.

I rise today to speak in favor of S. 1799, the Victims of Child Abuse Act Reauthorization Act of 2013.

This bill, introduced by Senators COONS and BLUNT, reauthorizes the funding streams for child advocacy centers, which are often the first line of service providers for the young victims of child abuse, sexual assault, and other crimes.

There are over 750 child advocacy centers located in all 50 States and in the District of Columbia and four regional centers that provide training and technical assistance to the local centers. The child advocacy centers are designed to limit additional trauma to victimized children by bringing all of the necessary law enforcement agencies and service providers to a single safe place. Depending on the case, they can include forensic interview teams, child protection and social services, medical care, and mental health services. In addition to limiting the trauma for the children, this is an efficient and effective approach to investigating child abuse cases.

In 2013 alone, Mr. Speaker, over 294,000 children were served at child advocacy centers, and over 200,000 of those children were victims of sexual abuse. More than one-third of the victims seen by the centers are under the age of 6 years old, and two-thirds are under the age of 13. Despite being unauthorized since 2005, the child advocacy center programs have received appropriations every year. S. 1799 reauthorizes the funding at its current authorization level and provides additional accountability measures to ensure that Federal funds are spent appropriately. A House companion to this legislation, H.R. 3706, was introduced by Representative TED POE and was included in the Justice for Victims of Trafficking Act, which passed the Judiciary Committee and the House floor unanimously earlier this year.

In addition to reauthorizing the child advocacy centers, S. 1799 clarifies that funds available to the FBI for victims' services under the Justice Department's Crime Victims Fund may only be used to directly benefit victims and not for administrative purposes. This provision was contained in a House bill, the Justice for Crime Victims Act of 2014, which I introduced in March of this year.

Mr. Speaker, the purpose of section 3 of this bipartisan legislation is simple: to reassert Congress' control over the use of the Crime Victims Fund, which is so critical for crime victims. Victim specialists, also referred to as victim advocates, along with their supervisors, victim witness coordinators, should be improving services for the benefit of crime victims and not be diverted to other purposes.

To quote Joan Ganz Cooney: ''Cherishing children is the mark of a civilized society.''

S. 1799 will reauthorize an important tool in our ongoing fight against child abuse.

I commend all of my colleagues who dedicated their efforts to this legislation. I urge its passage and quick signature into law.

I reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of the passage of S. 1799, the Victims of Child Abuse Act Reauthorization Act of 2013.

This bill passed the Senate last month and provides important services and funding to protect and heal the most vulnerable of all crime victims: our children.

During their participation in the Federal criminal justice system, it will provide and improve the resources available to assist children who are victims of crime. Child victims will be supported through this often lengthy and difficult process by designated victims' coordinators, specialists, and advocates. Surplus funds in the Crime Victims Fund will be used for a Victim Notification System, which preserves and protects the rights of those victims to be involved at important steps during the criminal justice process. In addition to these services and programs, the bill also authorizes appropriations for the children's advocacy program, the development and implementation of multidisciplinary child abuse investigation and prosecution programs, and grants to provide training and technical assistance to attorneys and others who are instrumental during the criminal prosecution of child abuse cases in State and Federal courts.

In these fiscally lean times, it is important to note that the bill authorizes the inspector general of the Department of Justice to audit grant recipients to prevent waste, fraud, and abuse. This will also ensure that all of the funds are used to protect our most vulnerable people in the process: crime victims.

In closing, as we have repeatedly recognized, children are the most vulnerable in our society and warrant unique treatment. As a country and as a people, we have a constitutional, statutory, and moral obligation to provide them with the protection, resources, and support they need even under the best circumstances. Our responsibilities and moral imperative to act are at the apex when these children are victimized and are at our mercy. I, therefore, urge my colleagues to support the bill.

I reserve the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I continue to reserve the balance of my time.

Mr. SCOTT of Virginia. Mr. Speaker, I yield such time as he may consume to the gentleman from California (Mr. COSTA).

Mr. COSTA. Mr. Speaker, I rise today in support of S. 1799, the Victims of Child Abuse Act Reauthorization Act of 2013.

This bill, as has been noted by the previous speakers, is the Senate companion to H.R. 3706, which I sponsored, along with Congressman TED POE of Texas and Congressman FITZPATRICK of Pennsylvania. Congressman TED POE and I cochair the Victims' Rights Caucus that we organized some 9 years

ago. He wanted to be here today to express his deep support for this legislation.

As has been noted, the children in our society are the most dear and precious to all of us, and they are also the most vulnerable. As a society, therefore, we must do all we can to ensure the protection of these children. Tragically, the physical or sexual abuse of a child is a horrific crime that touches, sadly, every community in America. In response to these unconscionable acts, Congress passed the Victims of Child Abuse Act in 1990 to provide funding for a network of Children's Advocacy Centers across the country, which do great work—over 700 of them.

These centers are essential tools to allow communities to care for our children when they are harmed and to deliver justice for the child abusers. Children's Advocacy Centers are a unique model and focus on teamwork. They bring together law enforcement officials, prosecutors, and child service professionals under one roof to do what is best for the child. The Community Action Partnership of Madera County, in my district, is an accredited child advocacy center in the heart of the San Joaquin Valley. I have visited with them. I have met with those who work there together to help our children. I know of the good work they do.

The Madera Community Action Partnership—or ''Madera CAP'' as they like to refer to themselves—depends on funding from the Victims of Child Abuse Act to care for victims and bring justice to the perpetrators of these heinous crimes. However, this important law expired in 2005, and the President has eliminated or reduced the funding for these centers in the last three budgets. Yet Congress, on a bipartisan basis, has chosen to continue to provide funding. That is why Senator COONS of Delaware, Senator BLUNT of Missouri, Congressman POE, Congressman FITZPATRICK, and I have introduced the legislation to reauthorize the Victims of Child Abuse Act and to, therefore, protect these Children's Advocacy Centers across the country. The bill includes strong accountability language to improve the oversight of the program, and it ensures that the money from the Crime Victims Fund is spent only for victim assistance purposes.

The bill before us today, once again, is a product of a bipartisan and bicameral negotiation, and I thank my colleagues again—Senators COONS and BLUNT and Congressmen POE and FITZPATRICK—for their hard work and for that of their staffs on this bill.

Mr. Speaker, finally, I want to urge all of our colleagues to strongly support S. 1799. Let's do the right thing by our Nation's children and swiftly send this bill to the President's desk.

I thank Congressman SCOTT, and I thank Congressman FRANKS for their time and their effort today.

Mr. SCOTT of Virginia. Mr. Speaker, I yield back the balance of my time.

Mr. FRANKS of Arizona. Mr. Speaker, I would just join with the gentleman in urging its passage.

I yield back the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Judiciary and Homeland Security Committees and as founder and co-chair of the Congressional Children's Caucus I rise in strong support of S. 1799, the Victims of Child Abuse Reauthorization Act 2014.

This bill authorizes the Children's Advocacy Program for FY 2014–18 and modifies the program to improve the fiscal accountability of those receiving grants under the program—including required audits, requirements for nonprofit organizations and limitations on conference expenditures. It also permits surplus amounts in the Crime Victims Fund to be used only for specific purposes: a victim notification system and the improvement of services for crime victims in the federal criminal justice system.

Throughout my tenure in Congress and as founder and Co-Chair of the Congressional Children's Caucus, I have advocated on behalf of victims of abuse, especially children, who are the most vulnerable and innocent victims. There is no greater crime that an individual can commit than the crime of child molestation and child abuse. The perpetrators of this crime rob children of their innocence.

Moreover, victims of child molestation are profoundly affected for the rest of their lives. As parents, elected officials and concerned citizens, we have an obligation to condemn this violence, work for stronger enforcement of the law and provide adequate funding for programs to assist children who may have experienced such abuse.

Although child sexual abuse is reported almost 90,000 times a year, the numbers of unreported abuse is far greater because the children are afraid to tell anyone what has happened, and the legal procedure for validating an episode is difficult. It is estimated that 1 in 4 girls and 1 in 6 boys will have experienced an episode of sexual abuse while younger than 18 years.

Protection from child sexual abuse in the United States is principally the responsibility of state and local governments. Each of the 50 states has enacted laws defining child sexual abuse and mistreatment, determining when outside intervention is required, and establishing administrative and judicial structures to deal with mistreatment when it is identified.

In my home city of Houston, child safety continues to be a top priority. Houston has the largest child population in Texas with more than 1 million children which presents unique challenges. In 2012, 52,000 children in Houston, Texas were victims of abuse and neglect.

This bill will provide the funding necessary for Child Advocacy Centers to continue serving child victims of violent crimes to the highest possible standard. An increase in funding will enable Child Advocacy centers to be better equipped in helping law enforcement hold perpetrators of these child abuse crimes accountable.

Children's Advocacy Centers (CACs) are community based public-private partnerships dedicated to a team of professionals pursuing the truth in child abuse investigations.

A recently conducted cost-benefit analysis found that the use of a Children's Advocacy Center in a child abuse case saved, on average, more than $1,000 per case compared with non CAC communities due to the efficiencies gained through this tested evidence-supported model.

Mr. Speaker, this bill will make a difference and deserves the overwhelming support of this body.

The primary mission of a Children's Advocacy Center is to prevent further victimization by ensuring that investigations are comprehensive and meet the age appropriate needs of the child. Communities with Children's Advocacy Centers demonstrate increased successful prosecution of perpetrators, reduction in re-abuse rates for child victims, as well as better access to medical and mental health care for the victims.

The sheer volume of child abuse victims being served by these Centers warrants continued funding at a level which will maintain these programs and allow for future development in underserved areas.

I urge all of my colleagues to join me in protecting our children and those suffering from abuse by supporting S. 1799.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Arizona (Mr. FRANKS) that the House suspend the rules and pass the bill, S. 1799.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

NORTH KOREA SANCTIONS ENFORCEMENT ACT OF 2014

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1771) to improve the enforcement of sanctions against the Government of North Korea, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 1771

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''North Korea Sanctions Enforcement Act of 2014''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS.

Congress finds the following:

(1) The Government of North Korea has repeatedly violated its commitments to the complete, verifiable, irreversible dismantlement of its nuclear weapons programs, and has willfully violated multiple United Nations Security Council resolutions calling for it to cease its development, testing, and production of weapons of mass destruction.

(2) North Korea poses a grave risk for the proliferation of nuclear weapons and other weapons of mass destruction.

(3) The Government of North Korea has been implicated repeatedly in money laundering and illicit activities, including prohibited arms sales, narcotics trafficking, the counterfeiting of United States currency, and the counterfeiting of intellectual property of United States persons.

(4) The Government of North Korea has, both historically and recently, repeatedly sponsored acts of international terrorism, including attempts to assassinate defectors and human rights activists, repeated threats of violence against foreign persons, leaders, newspapers, and cities, and the shipment of weapons to terrorists.

(5) North Korea has unilaterally withdrawn from the 1953 Armistice Agreement that ended the Korean War, and committed provocations against South Korea in 2010 by sinking the warship Cheonan and killing 46 of her crew, and by shelling Yeonpyeong Island, killing four South Koreans.

(6) North Korea maintains a system of brutal political prison camps that contain as many as 120,000 men, women, and children, who live in atrocious living conditions with insufficient food, clothing, and medical care, and under constant fear of torture or arbitrary execution.

(7) The Congress reaffirms the purposes of the North Korean Human Rights Act of 2004 contained in section 4 of such Act (22 U.S.C. 7802).

(8) North Korea has prioritized weapons programs and the procurement of luxury goods, in defiance of United Nations Security Council resolutions, and in gross disregard of the needs of its people.

(9) Persons, including financial institutions, who engage in transactions with, or provide financial services to, the Government of North Korea and its financial institutions without establishing sufficient financial safeguards against North Korea's use of these transactions to promote proliferation, weapons trafficking, human rights violations, illicit activity, and the purchase of luxury goods, aid and abet North Korea's misuse of the international financial system, and also violate the intent of relevant United Nations Security Council resolutions.

(10) The Government of North Korea's conduct poses an imminent threat to the security of the United States and its allies, to the global economy, to the safety of members of the United States armed forces, to the integrity of the global financial system, to the integrity of global nonproliferation programs, and to the people of North Korea.

(11) The Congress seeks, through this legislation, to use nonmilitary means to address this crisis, to provide diplomatic leverage to negotiate necessary changes in North Korea's conduct, and to ease the suffering of the people of North Korea.

SEC. 3. DEFINITIONS.

In this Act:

(1) APPLICABLE EXECUTIVE ORDER.—The term ''applicable Executive order'' means—

(A) Executive Order 13382 (2005), 13466 (2008), 13551 (2010), or 13570 (2011), to the extent that such Executive order authorizes the imposition of sanctions on persons for conduct, or prohibits transactions or activities, involving the Government of North Korea; or

(B) any Executive order adopted on or after the date of the enactment of this Act, to the extent that such Executive order authorizes the imposition of sanctions on persons for conduct, or prohibits transactions or activities, involving the Government of North Korea.

(2) APPLICABLE UNITED NATIONS SECURITY COUNCIL RESOLUTION.—The term ''applicable United Nations Security Council resolution'' means—

(A) United Nations Security Council Resolution 1695 (2006), 1718 (2006), 1874 (2009), 2087 (2013), or 2094 (2013); or

(B) any United Nations Security Council resolution adopted on or after the date of the enactment of this Act, to the extent that such resolution authorizes the imposition of sanctions on persons for conduct, or prohibits transactions or activities, involving the Government of North Korea.

(3) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means—

(A) the Committee on Foreign Affairs, the Committee on Ways and Means, and the Committee on Financial Services of the House of Representatives; and

(B) the Committee on Foreign Relations and the Committee on Banking, Housing, and Urban Affairs of the Senate.

(4) DESIGNATED PERSON.—The term ''designated person'' means a person designated under subsection (a) or (b) of section 104 for purposes of applying one or more of the sanctions described in title I or II of this Act with respect to the person.

(5) GOVERNMENT OF NORTH KOREA.—The term ''Government of North Korea'' means—

(A) the Government of the Democratic People's Republic of Korea or any political subdivision, agency, or instrumentality thereof; and

(B) any person owned or controlled by, or acting for or on behalf of, the Government of the Democratic People's Republic of Korea.

(6) INTERNATIONAL TERRORISM.—The term ''international terrorism'' has the meaning given such term in section 140(d) of the Foreign Relations Authorization Act, Fiscal Years 1988 and 1989 (22 U.S.C. 2656f(d)).

(7) LUXURY GOODS.—The term ''luxury goods'' has the meaning given such term in subpart 746.4 of title 15, Code of Federal Regulations, and includes the items listed in Supplement No. 1 to such regulation, and any similar items.

(8) MONETARY INSTRUMENT.—The term ''monetary instrument'' has the meaning given such term under section 5312 of title 31, United States Code.

(9) NORTH KOREAN FINANCIAL INSTITUTION.—The term ''North Korean financial institution'' means—

(A) a financial institution organized under the laws of North Korea or any jurisdiction within North Korea (including a foreign branch of such institution);

(B) any financial institution located in North Korea, except as may be excluded from such definition by the President in accordance with section 207(d);

(C) any financial institution, wherever located, owned or controlled by the Government of North Korea; and

(D) any financial institution, wherever located, owned or controlled by a financial institution described in subparagraph (A), (B), or (C).

(10) OTHER STORES OF VALUE.—The term ''other stores of value'' means—

(A) prepaid access devices, tangible or intangible prepaid access devices, or other instruments or devices for the storage or transmission of value, as defined in part 1010 of title 31, Code of Federal Regulations; and

(B) any covered goods, as defined in section 1027.100 of title 31, Code of Federal Regulations, and any instrument or tangible or intangible access device used for the storage and transmission of a representation of covered goods, or other device, as defined in section 1027.100 of title 31, Code of Federal Regulations.

(11) PERSON.—The term ''person'' means—

(A) a natural person;

(B) a corporation, business association, partnership, society, trust, financial institution, insurer, underwriter, guarantor, and any other business organization, any other nongovernmental entity, organization, or group, and any governmental entity operating as a business enterprise; and

(C) any successor to any entity described in subparagraph (B).

TITLE I—INVESTIGATIONS, PROHIBITED CONDUCT, AND PENALTIES

SEC. 101. STATEMENT OF POLICY.

In order to achieve the peaceful disarmament of North Korea, Congress finds that it is necessary—

(1) to encourage all states to fully and promptly implement United Nations Security Council Resolution 2094 (2013);

(2) to sanction the persons, including financial institutions, that facilitate proliferation, illicit activities, arms trafficking, imports of luxury goods, serious human rights abuses, cash smuggling, and censorship by the Government of North Korea;

(3) to authorize the President to sanction persons who fail to exercise due diligence to ensure that such financial institutions and jurisdictions do not facilitate proliferation, arms trafficking, kleptocracy, and imports of luxury goods by the Government of North Korea;

(4) to deny the Government of North Korea access to the funds it uses to obtain nuclear weapons, ballistic missiles, and luxury goods instead of providing for the needs of its people; and

(5) to enforce sanctions in a manner that avoids any adverse humanitarian impact on the people of North Korea.

SEC. 102. INVESTIGATIONS.

The President shall initiate an investigation into the possible designation of a person under section 104(a) upon receipt by the President of credible information indicating that such person has engaged in conduct described in section 104(a).

SEC. 103. BRIEFING TO CONGRESS.

Not later than 180 days after the date of the enactment of this Act, and periodically thereafter, the President shall provide to the appropriate congressional committees a briefing on efforts to implement this Act, to

include the following, to the extent the information is available:

(1) The principal foreign assets and sources of foreign income of the Government of North Korea.

(2) A list of the persons designated under subsections (a) and (b) of section 104.

(3) A list of the persons with respect to which sanctions were waived or removed under section 207.

(4) A summary of any diplomatic efforts made in accordance with section 202(b) and of the progress realized from such efforts, including efforts to encourage the European Union and other states and jurisdictions to sanction and block the assets of the Foreign Trade Bank of North Korea and Daedong Credit Bank.

SEC. 104. PROHIBITED CONDUCT AND MANDATORY AND DISCRETIONARY DESIGNATION AND SANCTIONS AUTHORITIES.

(a) PROHIBITED CONDUCT AND MANDATORY DESIGNATION AND SANCTIONS AUTHORITY.—

(1) CONDUCT DESCRIBED.—Except as provided in section 207, the President shall designate under this subsection any person the President determines to—

(A) have knowingly engaged in significant activities or transactions with the Government of North Korea that have materially contributed to the proliferation of weapons of mass destruction or their means of delivery (including missiles capable of delivering such weapons), including any efforts to manufacture, acquire, possess, develop, transport, transfer, or use such items;

(B) have knowingly imported, exported, or reexported to, into, or from North Korea any arms or related materiel, whether directly or indirectly;

(C) have knowingly provided significant training, advice, or other services or assistance, or engaged in transactions, related to the manufacture, maintenance, or use of any arms or related materiel to be imported, exported, or reexported to, into, or from North Korea, or following their importation, exportation, or reexportation to, into, or from North Korea, whether directly or indirectly;

(D) have knowingly, directly or indirectly, imported, exported, or reexported significant luxury goods to or into North Korea;

(E) have knowingly engaged in or been responsible for censorship by the Government of North Korea, including prohibiting, limiting, or penalizing the exercise of freedom of expression or assembly, limiting access to print or broadcast media, or the facilitation or support of intentional frequency manipulation that would jam or restrict an international signal;

(F) have knowingly engaged in or been responsible for serious human rights abuses by the Government of North Korea, including torture or cruel, inhuman, or degrading treatment or punishment, prolonged detention without charges and trial, causing the disappearance of persons by the abduction and clandestine detention of those persons, and other denial of the right to life, liberty, or the security of a person;

(G) have knowingly, directly or indirectly, engaged in significant acts of money laundering, the counterfeiting of goods or currency, bulk cash smuggling, narcotics trafficking, or other illicit activity that involves or supports the Government of North Korea or any senior official thereof, whether directly or indirectly; or

(H) have knowingly attempted to engage in any of the conduct described in subparagraphs (A) through (G) of this paragraph.

(2) EFFECT OF DESIGNATION.—With respect to any person designated under this subsection, the President—

(A) shall exercise the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1705 et seq.) without regard to section 202 of such Act to block all property and interests in property of any person designated under this subsection that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch; and

(B) may apply any of the sanctions described in section 204, 205(c), and 206.

(3) PENALTIES.—The penalties provided for in section 206 of the International Emergency Economic Powers Act (50 U.S.C. 1705) shall apply to a person who violates, attempts to violate, conspires to violate, or causes a violation of any prohibition of this subsection, or of an order or regulation prescribed under this Act, to the same extent that such penalties apply to a person that commits an unlawful act described in section 206(a) of that Act (50 U.S.C. 1705(a)).

(b) DISCRETIONARY DESIGNATION AND SANCTIONS AUTHORITY.—

(1) CONDUCT DESCRIBED.—Except as provided in section 207, the President may designate under this subsection any person the President determines to—

(A) have knowingly engaged in, contributed to, assisted, sponsored, or provided financial, material or technological support for, or goods and services in support of, any violation of, or evasion of, an applicable United Nations Security Council resolution;

(B) have knowingly facilitated the transfer of any funds, financial assets, or economic resources of, or property or interests in property of a person designated under an applicable Executive order, or by the United Nations Security Council pursuant to an applicable United Nations Security Council resolution;

(C) have knowingly facilitated the transfer of any funds, financial assets, or economic resources, or any property or interests in property derived from, involved in, or that has materially contributed to conduct prohibited by subsection (a) or an applicable United Nations Security Council resolution;

(D) have knowingly facilitated any transaction that contributes materially to a violation of an applicable United Nations Security Council resolution;

(E) have knowingly facilitated any transactions in cash or monetary instruments or other stores of value, including through cash couriers transiting to or from North Korea, used to facilitate any conduct prohibited by an applicable United Nations Security Council resolution;

(F) have knowingly contributed to the bribery of an official of the Government of North Korea, the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, an official of the Government of North Korea, or the use of any proceeds of any such conduct; or

(G) have knowingly and materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, the conduct described in subparagraphs (A) through (F) of this paragraph or the conduct described in subparagraphs (A) through (G) of subsection (a)(1).

(2) EFFECT OF DESIGNATION.—With respect to any person designated under this subsection, the President—

(A) may apply the sanctions described in section 204;

(B) may apply any of the special measures described in section 5318A of title 31, United States Code;

(C) may prohibit any transactions in foreign exchange that are subject to the jurisdiction of the United States and in which such person has any interest;

(D) may prohibit any transfers of credit or payments between financial institutions or by, through, or to any financial institution, to the extent that such transfers or payments are subject to the jurisdiction of the United States and involve any interest of the person; and

(E) may exercise the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1705 et seq.) without regard to section 202 of such Act to block any property and interests in property of the person that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch.

(c) BLOCKING OF ALL PROPERTY AND INTERESTS IN PROPERTY OF THE GOVERNMENT OF NORTH KOREA.—The President shall exercise the authorities of the International Emergency Economic Powers Act (50 U.S.C. 1705 et seq.) without regard to section 202 of such Act to block all property and interests in property of the Government of North Korea that are in the United States, that hereafter come within the United States, or that are or hereafter come within the possession or control of any United States person, including any overseas branch.

(d) APPLICATION.—The designation of a person and the blocking of property and interests in property under subsection (a), (b), or (c) shall also apply with respect to a person who is determined to be owned or controlled by, or to have acted or purported to act for or on behalf of, directly or indirectly, any person whose property and interests in property are blocked pursuant to this section.

(e) TRANSACTION LICENSING.—The President shall deny or revoke any license for any transaction that, in the determination of the President, lacks sufficient financial controls to ensure that such transaction will not facilitate any of the conduct described in subsection (a) or subsection (b).

SEC. 105. FORFEITURE OF PROPERTY.

(a) AMENDMENT TO PROPERTY SUBJECT TO FORFEITURE.—Section 981(a)(1) of title 18, United States Code, is amended by adding at the end the following new subparagraph:

''(I) Any property, real or personal, that is involved in a violation or attempted violation, or which constitutes or is derived from proceeds traceable to a violation, of section 104(a) of the North Korea Sanctions Enforcement Act of 2014.''.

(b) AMENDMENT TO DEFINITION OF CIVIL FORFEITURE STATUTE.—Section 983(i)(2)(D) of title 18, United States Code, is amended—

(1) by striking ''or the International Emergency Economic Powers Act'' and inserting '', the International Emergency Economic Powers Act''; and

(2) by adding at the end before the semicolon the following: '', or the North Korea Sanctions Enforcement Act of 2014''.

(c) AMENDMENT TO DEFINITION OF SPECIFIED UNLAWFUL ACTIVITY.—Section 1956(c)(7)(D) of title 18, United States Code, is amended—

(1) by striking ''or section 92 of the Atomic Energy Act of 1954'' and inserting ''section 92 of the Atomic Energy Act of 1954''; and

(2) by adding at the end the following: '', or section 104(a) of the North Korea Sanctions Enforcement Act of 2014''.

TITLE II—SANCTIONS AGAINST NORTH KOREAN PROLIFERATION, HUMAN RIGHTS ABUSES, AND ILLICIT ACTIVITIES

SEC. 201. DETERMINATIONS WITH RESPECT TO NORTH KOREA AS A JURISDICTION OF PRIMARY MONEY LAUNDERING CONCERN.

(a) FINDINGS.—Congress makes the following findings:

(1) The Undersecretary of the Treasury for Terrorism and Financial Intelligence, who is

responsible for safeguarding the financial system against illicit use, money laundering, terrorist financing, and the proliferation of weapons of mass destruction, has repeatedly expressed concern about North Korea's misuse of the international financial system as follows:

(A) In 2006, the Undersecretary stated that, given North Korea's ''counterfeiting of U.S. currency, narcotics trafficking and use of accounts worldwide to conduct proliferation-related transactions, the line between illicit and licit North Korean money is nearly invisible'' and urged financial institutions worldwide to ''think carefully about the risks of doing any North Korea-related business.''.

(B) In 2011, the Undersecretary stated that ''North Korea remains intent on engaging in proliferation, selling arms as well as bringing in material,'' and was ''aggressively pursuing the effort to establish front companies.''.

(C) In 2013, the Undersecretary stated, in reference to North Korea's distribution of high-quality counterfeit United States currency, that ''North Korea is continuing to try to pass a supernote into the international financial system,'' and that the Department of the Treasury would soon introduce new currency with improved security features to protect against counterfeiting by the Government of North Korea.

(2) The Financial Action Task Force, an intergovernmental body whose purpose is to develop and promote national and international policies to combat money laundering and terrorist financing, has repeatedly—

(A) expressed concern at deficiencies in North Korea's regimes to combat money laundering and terrorist financing;

(B) urged North Korea to adopt a plan of action to address significant deficiencies in these regimes and the serious threat they pose to the integrity of the international financial system;

(C) urged all jurisdictions to apply countermeasures to protect the international financial system from ongoing and substantial money laundering and terrorist financing risks emanating from North Korea;

(D) urged all jurisdictions to advise their financial institutions to give special attention to business relationships and transactions with North Korea, including North Korean companies and financial institutions; and

(E) called on all jurisdictions to protect against correspondent relationships being used to bypass or evade countermeasures and risk mitigation practices, and take into account money laundering and terrorist financing risks when considering requests by North Korean financial institutions to open branches and subsidiaries in their jurisdiction.

(3) On March 7, 2013, the United Nations Security Council unanimously adopted Resolution 2094, which—

(A) welcomed the Financial Action Task Force's recommendation on financial sanctions related to proliferation, and its guidance on the implementation of sanctions;

(B) decided that Member States should apply enhanced monitoring and other legal measures to prevent the provision of financial services or the transfer of property that could contribute to activities prohibited by applicable United Nations Security Council resolutions; and

(C) called on Member States to prohibit North Korean banks from establishing or maintaining correspondent relationships with banks in their jurisdictions, to prevent the provision of financial services, if they have information that provides reasonable grounds to believe that these activities could contribute to activities prohibited by an applicable United Nations Security Council resolution, or to the evasion of such prohibitions.

(b) SENSE OF CONGRESS REGARDING THE DESIGNATION OF NORTH KOREA AS A JURISDICTION OF PRIMARY MONEY LAUNDERING CONCERN.—Congress—

(1) acknowledges the efforts of the United Nations Security Council to impose limitations on, and require enhanced monitoring of, transactions involving North Korean financial institutions that could contribute to sanctioned activities;

(2) urges the President, in the strongest terms, to consider immediately designating North Korea as a jurisdiction of primary money laundering concern, and to adopt stringent special measures to safeguard the financial system against the risks posed by North Korea's willful evasion of sanctions and its illicit activities; and

(3) urges the President to seek the prompt implementation by other states of enhanced monitoring and due diligence to prevent North Korea's misuse of the international financial system, including by sharing information about activities, transactions, and property that could contribute to activities sanctioned by applicable United Nations Security Council resolutions, or to the evasion of sanctions.

(c) DETERMINATIONS REGARDING NORTH KOREA.—

(1) IN GENERAL.—The Secretary of the Treasury shall, not later than 180 days after the date of the enactment of this Act, determine, in consultation with the Secretary of State and Attorney General, and in accordance with section 5318A of title 31, United States Code, whether reasonable grounds exist for concluding that North Korea is a jurisdiction of primary money laundering concern.

(2) ENHANCED DUE DILIGENCE AND REPORTING REQUIREMENTS.—Except as provided in section 207, if the Secretary of the Treasury determines under this subsection that reasonable grounds exist for finding that North Korea is a jurisdiction of primary money laundering concern, the Secretary of the Treasury, in consultation with the Federal functional regulators, shall impose one or more of the special measures described in paragraphs (1) through (5) of section 5318A(b) of title 31, United States Code, with respect to the jurisdiction of North Korea.

(3) REPORT REQUIRED.—

(A) IN GENERAL.—If the Secretary of the Treasury determines that North Korea is a jurisdiction of primary money laundering concern, the Secretary of the Treasury shall, not later than 90 days after the date on which the Secretary makes such determination, submit to the appropriate congressional committees a report on the determination made under paragraph (1) together with the reasons for that determination.

(B) FORM.—A report or copy of any report submitted under this paragraph shall be submitted in unclassified form but may contain a classified annex.

SEC. 202. ENSURING THE CONSISTENT ENFORCEMENT OF UNITED NATIONS SECURITY COUNCIL RESOLUTIONS AND FINANCIAL RESTRICTIONS ON NORTH KOREA.

(a) FINDINGS.—Congress finds that—

(1) all states and jurisdictions are obligated to implement and enforce applicable United Nations Security Council resolutions fully and promptly, including by—

(A) blocking the property of, and ensuring that any property is prevented from being made available to, persons designated by the Security Council under applicable United Nations Security Council resolutions;

(B) blocking any property associated with an activity prohibited by applicable United Nations Security Council resolutions; and

(C) preventing any transfer of property and any provision of financial services that could contribute to an activity prohibited by applicable United Nations Security Council resolutions, or to the evasion of sanctions under such resolutions;

(2) all states and jurisdictions share a common interest in protecting the international financial system from the risks of money laundering and illicit transactions emanating from North Korea;

(3) the United States Dollar and the Euro are the world's principal reserve currencies, and the United States and the European Union are primarily responsible for the protection of the international financial system from these risks;

(4) the cooperation of the People's Republic of China, as North Korea's principal trading partner, is essential to the enforcement of applicable United Nations Security Council resolutions and to the protection of the international financial system;

(5) the report of the Panel of Experts established pursuant to United Nations Security Council Resolution 1874, dated June 11, 2013, expressed concern about the ability of banks in states with less effective regulators and those unable to afford effective compliance to detect and prevent illicit transfers involving North Korea;

(6) North Korea has historically exploited inconsistencies between jurisdictions in the interpretation and enforcement of financial regulations and applicable United Nations Security Council resolutions to circumvent sanctions and launder the proceeds of illicit activities;

(7) Amroggang Development Bank, Bank of East Land, and Tanchon Commercial Bank have been designated by the Secretary of the Treasury, the United Nations Security Council, and the European Union;

(8) Korea Daesong Bank and Korea Kwangson Banking Corporation have been designated by the Secretary of the Treasury and the European Union;

(9) the Foreign Trade Bank of North Korea has been designated by the Secretary of the Treasury for facilitating transactions on behalf of persons linked to its proliferation network, and for serving as ''a key financial node''; and

(10) Daedong Credit Bank has been designated by the Secretary of the Treasury for activities prohibited by applicable United Nations Security Council resolutions, including the use of deceptive financial practices to facilitate transactions on behalf of persons linked to North Korea's proliferation network.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the President should intensify diplomatic efforts, both in appropriate international fora such as the United Nations and bilaterally, to develop and implement a coordinated, consistent, multilateral strategy for protecting the global financial system against risks emanating from North Korea, including—

(1) the cessation of any financial services whose continuation is inconsistent with applicable United Nations Security Council resolutions;

(2) the cessation of any financial services to persons, including financial institutions, that present unacceptable risks of facilitating money laundering and illicit activity by the Government of North Korea;

(3) the blocking by all states and jurisdictions, in accordance with the legal process of the state or jurisdiction in which the property is held, of any property required to be blocked under applicable United Nations Security Council resolutions; and

(4) the blocking of any property derived from illicit activity, or from the misappropriation, theft, or embezzlement of public funds by, or for the benefit of, officials of the Government of North Korea.

SEC. 203. PROLIFERATION PREVENTION SANCTIONS.

(a) EXPORT OF CERTAIN GOODS OR TECHNOLOGY.—

(1) IN GENERAL.—Subject to section 207(a)(2)(C) of this Act, a license shall be required for the export to North Korea of any goods or technology subject to the Export Administration Regulations (part 730 of title 15, Code of Federal Regulations) without regard to whether the Secretary of State has designated North Korea as a country the government of which has provided support for acts of international terrorism, as determined by the Secretary of State under section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. 2045), as continued in effect under the International Emergency Economic Powers Act.

(2) PRESUMPTION OF DENIAL.—A license for the export to North Korea of any goods or technology as described in paragraph (1) shall be subject to a presumption of denial.

(b) TRANSACTIONS WITH COUNTRIES SUPPORTING ACTS OF INTERNATIONAL TERRORISM.—The prohibitions and restrictions described in section 40 of the Arms Export Control Act (22 U.S.C. 2780), and other provisions in that Act, shall also apply to exporting or otherwise providing (by sale, lease or loan, grant, or other means), directly or indirectly, any munitions item to the Government of North Korea without regard to whether or not North Korea is a country with respect to which subsection (d) of such section (relating to designation of state sponsors of terrorism) applies.

(c) TRANSACTIONS IN LETHAL MILITARY EQUIPMENT.—

(1) IN GENERAL.—The President shall withhold assistance under the Foreign Assistance Act of 1961 (22 U.S.C. 2151 et seq.) to any country that provides lethal military equipment to, or receives lethal military equipment from, the Government of North Korea.

(2) APPLICABILITY.—The prohibition under this subsection with respect to a country shall terminate on the date that is 1 year after the date on which such country ceases to provide lethal military equipment to the Government of North Korea.

(3) WAIVER.—The President may waive the prohibition under this subsection with respect to a country if the President determines that it is in the national interest of the United States to do so.

SEC. 204. PROCUREMENT SANCTIONS.

(a) IN GENERAL.—Except as provided in this section, the United States Government may not procure, or enter into any contract for the procurement of, any goods or services from any designated person.

(b) FAR.—The Federal Acquisition Regulation issued pursuant to section 1303 of title 41, United States Code, shall be revised to require a certification from each person that is a prospective contractor that such person does not engage in any of the conduct described in section 104(a). Such revision shall apply with respect to contracts in an amount greater than the simplified acquisition threshold (as defined in section 134 of title 41, United States Code) for which solicitations are issued on or after the date that is 90 days after the date of the enactment of this Act.

(c) TERMINATION OF CONTRACTS AND INITIATION OF SUSPENSION AND DEBARMENT PROCEEDING.—

(1) TERMINATION OF CONTRACTS.—Except as provided in paragraph (2), the head of an executive agency shall terminate a contract with a person who has provided a false certification under subsection (b).

(2) WAIVER.—The head of an executive agency may waive the requirement under paragraph (1) with respect to a person based upon a written finding of urgent and compelling circumstances significantly affecting the interests of the United States. If the head of an executive agency waives the requirement under paragraph (1) for a person, the head of the agency shall submit to the appropriate congressional committees, within 30 days after the waiver is made, a report containing the rationale for the waiver and relevant information supporting the waiver decision.

(3) INITIATION OF SUSPENSION AND DEBARMENT PROCEEDING.—The head of an executive agency shall initiate a suspension and debarment proceeding against a person who has provided a false certification under subsection (b). Upon determination of suspension, debarment, or proposed debarment, the agency shall ensure that such person is entered into the Government-wide database containing the list of all excluded parties ineligible for Federal programs pursuant to Executive Order 12549 (31 U.S.C. 6101 note; relating to debarment and suspension) and Executive Order 12689 (31 U.S.C. 6101 note; relating to debarment and suspension).

(d) CLARIFICATION REGARDING CERTAIN PRODUCTS.—The remedies specified in subsections (a) through (c) shall not apply with respect to the procurement of eligible products, as defined in section 308(4) of the Trade Agreements Act of 1979 (19 U.S.C. 2518(4)), of any foreign country or instrumentality designated under section 301(b) of such Act (19 U.S.C. 2511(b)).

(e) RULE OF CONSTRUCTION.—Nothing in this subsection may be construed to limit the use of other remedies available to the head of an executive agency or any other official of the Federal Government on the basis of a determination of a false certification under subsection (b).

(f) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given such term in section 133 of title 41, United States Code.

SEC. 205. ENHANCED INSPECTIONS AUTHORITIES.

(a) REPORT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, and every 180 days thereafter, the President, acting through the Secretary of Homeland Security, shall submit to the appropriate congressional committees, the Committee on Homeland Security of the House of Representatives, and the Committee on Homeland Security and Governmental Affairs of the Senate, a report identifying foreign sea ports and airports whose inspections of ships, aircraft, and conveyances originating in North Korea, carrying North Korean property, or operated by the Government of North Korea are deficient to effectively prevent the facilitation of any of the activities described in section 104(a).

(b) ENHANCED SECURITY TARGETING REQUIREMENTS.—Not later than 180 days after the identification of any sea port or airport pursuant to subsection (a), the Secretary of Homeland Security shall, utilizing the Automated Targeting System operated by the National Targeting Center in U.S. Customs and Border Protection, require enhanced screening procedures to determine if physical inspections are warranted of any cargo bound for or landed in the United States that has been transported through such sea port or airport if there are reasonable grounds to believe that such cargo contains goods prohibited under this Act.

(c) SEIZURE AND FORFEITURE.—A vessel, aircraft, or conveyance used to facilitate any of the activities described in section 104(a) that comes within the jurisdiction of the United States may be seized and forfeited under chapter 46 of title 18, United States Code, or under the Tariff Act of 1930.

SEC. 206. TRAVEL SANCTIONS.

(a) ALIENS INELIGIBLE FOR VISAS, ADMISSION, OR PAROLE.—

(1) VISAS, ADMISSION, OR PAROLE.—An alien (or an alien who is a corporate officer of a person (as defined in subparagraph (B) or (C) of section 3(11)) who the Secretary of State or the Secretary of Homeland Security (or a designee of one of such Secretaries) knows, or has reasonable grounds to believe, is described in subsection (a)(1) or (b)(1) of section 104 is—

(A) inadmissible to the United States;

(B) ineligible to receive a visa or other documentation to enter the United States; and

(C) otherwise ineligible to be admitted or paroled into the United States or to receive any other benefit under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(2) CURRENT VISAS REVOKED.—

(A) IN GENERAL.—The issuing consular officer, the Secretary of State, or the Secretary of Homeland Security (or a designee of one of such Secretaries) shall revoke any visa or other entry documentation issued to an alien who is described in subsection (a)(1) or (b)(1) of section 104 regardless of when issued.

(B) EFFECT OF REVOCATION.—A revocation under subparagraph (A)—

(i) shall take effect immediately; and

(ii) shall automatically cancel any other valid visa or entry documentation that is in the alien's possession.

(b) EXCEPTION TO COMPLY WITH UNITED NATIONS HEADQUARTERS AGREEMENT.—Sanctions under subsection (a)(1)(B) shall not apply to an alien if admitting the alien into the United States is necessary to permit the United States to comply with the Agreement regarding the Headquarters of the United Nations, signed at Lake Success June 26, 1947, and entered into force November 21, 1947, between the United Nations and the United States, or other applicable international obligations.

SEC. 207. EXEMPTIONS, WAIVERS, AND REMOVALS OF DESIGNATION.

(a) EXEMPTIONS.—

(1) MANDATORY EXEMPTIONS.—The following activities shall be exempt from sanctions under section 104:

(A) Activities subject to the reporting requirements of title V of the National Security Act of 1947 (50 U.S.C. 413 et seq.), or to any authorized intelligence activities of the United States.

(B) Any transaction necessary to comply with United States obligations under the Agreement between the United Nations and the United States of America regarding the Headquarters of the United Nations, signed June 26, 1947, and entered into force on November 21, 1947, or under the Vienna Convention on Consular Relations, signed April 24, 1963, and entered into force on March 19, 1967, or under other international agreements.

(2) DISCRETIONARY EXEMPTIONS.—The following activities may be exempt from sanctions under section 104 as determined by the President:

(A) Any financial transaction the exclusive purpose for which is to provide humanitarian assistance to the people of North Korea.

(B) Any financial transaction the exclusive purpose for which is to import food products into North Korea, if such food items are not defined as luxury goods.

(C) Any transaction the exclusive purpose for which is to import agricultural products, medicine, or medical devices into North Korea, provided that such supplies or equipment are classified as designated ''EAR 99''

under the Export Administration Regulations (part 730 of title 15, Code of Federal Regulations) and not controlled under—

(i) the Export Administration Act of 1979 (50 U.S.C. App. 2401 et seq.), as continued in effect under the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.);

(ii) the Arms Export Control Act (22 U.S.C. 2751 et seq.);

(iii) part B of title VIII of the Nuclear Proliferation Prevention Act of 1994 (22 U.S.C. 6301 et seq.); or

(iv) the Chemical and Biological Weapons Control and Warfare Elimination Act of 1991 (22 U.S.C. 5601 et seq.).

(b) WAIVER.—The President may waive, on a case-by-case basis, the imposition of sanctions for a period of not more than one year, and may renew that waiver for additional periods of not more than one year, any sanction or other measure under section 104, 204, 205, 206, or 303 if the President submits to the appropriate congressional committees a written determination that the waiver meets one or more of the following requirements:

(1) The waiver is important to the economic or national security interests of the United States.

(2) The waiver will further the enforcement of this Act or is for an important law enforcement purpose.

(3) The waiver is for an important humanitarian purpose, including any of the purposes described in section 4 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7802).

(c) REMOVALS OF SANCTIONS.—The President may prescribe rules and regulations for the removal of sanctions on a person that is designated under subsection (a) or (b) of section 104 and the removal of designations of a person with respect to such sanctions if the President determines that the designated person has verifiably ceased its participation in any of the conduct described in subsection (a) or (b) of section 104, as the case may be, and has given assurances that it will abide by the requirements of this Act.

(d) FINANCIAL SERVICES FOR CERTAIN ACTIVITIES.—The President may promulgate regulations, rules, and policies as may be necessary to facilitate the provision of financial services by a foreign financial institution that is not controlled by the Government of North Korea in support of the activities subject to exemption under this section.

SEC. 208. SENSE OF CONGRESS ON ENFORCEMENT OF SANCTIONS ON NORTH KOREA.

(a) FINDINGS.—Congress finds the following:

(1) On March 6, 2014, pursuant to United Nations Security Council Resolution 1874, a Panel of Experts issued a report assessing the enforcement of existing sanctions on North Korea. The Panel reported that North Korea continues to ''trade in arms and related materiel in violation of the resolutions'' and that ''there is no question that it is one of the country's most profitable revenue sources''.

(2) The Panel of Experts found that North Korea ''presents a stiff challenge to Member States'' through ''multiple and tiered circumvention techniques'' and ''is experienced in actions it takes to evade sanctions''.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the United States should work to increase the capacity of responsible nations to implement United Nations Security Council Resolutions 1695, 1718, 1874, 2087, and 2094, including to strengthen the capacity of responsible nations to monitor and interdict shipments to and from North Korea that contribute to prohibited activities under such Resolutions.

TITLE III—PROMOTION OF HUMAN RIGHTS

SEC. 301. INFORMATION TECHNOLOGY.

Section 104 of the North Korean Human Rights Act of 2004 (22 U.S.C. 7814) is amended by inserting after subsection (c) the following new subsection:

''(d) INFORMATION TECHNOLOGY STUDY.—Not later than 180 days after the date of the enactment of this subsection, the President shall submit to the appropriate congressional committees a classified report setting forth a detailed plan for making unrestricted, unmonitored, and inexpensive electronic mass communications available to the people of North Korea.''.

SEC. 302. REPORT ON NORTH KOREAN PRISON CAMPS.

(a) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report describing, with respect to each political prison camp in North Korea to the extent information is available—

(1) the camp's estimated prisoner population;

(2) the camp's geographical coordinates;

(3) the reasons for confinement of the prisoners;

(4) the camp's primary industries and products, and the end users of any goods produced in such camp;

(5) the natural persons and agencies responsible for conditions in the camp;

(6) the conditions under which prisoners are confined, with respect to the adequacy of food, shelter, medical care, working conditions, and reports of ill-treatment of prisoners; and

(7) imagery, to include satellite imagery of each such camp, in a format that, if published, would not compromise the sources and methods used by the intelligence agencies of the United States to capture geospatial imagery.

(b) FORM.—The report required under subsection (a) may be included in the first report required to be submitted to Congress after the date of the enactment of this Act under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) (relating to the annual human rights report).

SEC. 303. REPORT ON PERSONS WHO ARE RESPONSIBLE FOR SERIOUS HUMAN RIGHTS ABUSES OR CENSORSHIP IN NORTH KOREA.

(a) IN GENERAL.—The Secretary of State shall submit to the appropriate congressional committees a report that contains an identification of each person the Secretary determines to be responsible for serious human rights abuses or censorship in North Korea and a description of such abuses or censorship engaged in by such person.

(b) CONSIDERATION.—In preparing the report required under subsection (a), the Secretary of State shall give due consideration to the findings of the United Nations Commission of Inquiry on Human Rights in North Korea, and shall make specific findings with respect to the responsibility of Kim Jong Un, and of each natural person who is a member of the National Defense Commission of North Korea, or the Organization and Guidance Department of the Workers' Party of Korea, for serious human rights abuses and censorship.

(c) DESIGNATION OF PERSONS.—The President shall designate under section 104(a) any person listed in the report required under subsection (a) as responsible for serious human rights abuses or censorship in North Korea.

(d) SUBMISSION AND FORM.—

(1) SUBMISSION.—The report required under subsection (a) shall be submitted not later than 90 days after the date of the enactment of this Act, and every 180 days thereafter for a period not to exceed 3 years, shall be included in each report required under sections 116(d) and 502B(b) of the Foreign Assistance Act of 1961 (22 U.S.C. 2151n(d) and 2304(b)) (relating to the annual human rights report).

(2) FORM.—The report required under subsection (a) shall be submitted in unclassified form, but may include a classified annex. The Secretary of State shall also publish the unclassified part of the report on the Department of State's website.

TITLE IV—GENERAL AUTHORITIES

SEC. 401. SUSPENSION OF SANCTIONS AND OTHER MEASURES.

(a) IN GENERAL.—Any sanction or other measure required by title I, II, or III of this Act (or any amendment made by title I, II, or III of this Act) may be suspended for up to 365 days upon certification by the President to the appropriate congressional committees that the Government of North Korea has—

(1) verifiably ceased its counterfeiting of United States currency, including the surrender or destruction of specialized materials and equipment used for or particularly suitable for counterfeiting;

(2) taken significant steps toward financial transparency to comply with generally accepted protocols to cease and prevent the laundering of monetary instruments;

(3) taken significant steps toward verification of its compliance with United Nations Security Council Resolutions 1695, 1718, 1874, 2087, and 2094;

(4) taken significant steps toward accounting for and repatriating the citizens of other countries abducted or unlawfully held captive by the Government of North Korea or detained in violation of the 1953 Armistice Agreement;

(5) accepted and begun to abide by internationally recognized standards for the distribution and monitoring of humanitarian aid;

(6) provided credible assurances that it will not support further acts of international terrorism;

(7) taken significant and verified steps to improve living conditions in its political prison camps; and

(8) made significant progress in planning for unrestricted family reunification meetings, including for those individuals among the two million strong Korean-American community who maintain family ties with relatives in North Korea.

(b) RENEWAL OF SUSPENSION.—The suspension described in subsection (a) may be renewed for additional consecutive periods of 180 days upon certification by the President to the appropriate congressional committees that the Government of North Korea has continued to comply with the conditions described in subsection (a) during the previous year.

SEC. 402. TERMINATION OF SANCTIONS AND OTHER MEASURES.

Any sanction or other measure required by title I, II, or III of this Act (or any amendment made by title I, II, or III of this Act) shall terminate on the date on which the President determines and certifies to the appropriate congressional committees that the Government of North Korea has met the requirements of section 401, and has also—

(1) completely, verifiably, and irreversibly dismantled all of its nuclear, chemical, biological, and radiological weapons programs, including all programs for the development of systems designed in whole or in part for the delivery of such weapons;

(2) released all political prisoners, including the citizens of North Korea detained in North Korea's political prison camps;

(3) ceased its censorship of peaceful political activity;

(4) taken significant steps toward the establishment of an open, transparent, and representative society;

(5) fully accounted for and repatriated all citizens of all nations abducted or unlawfully held captive by the Government of North Korea or detained in violation of the 1953 Armistice Agreement; and

(6) agreed with the Financial Action Task Force on a plan of action to address deficiencies in its anti-money laundering regime and begun to implement this plan of action.

SEC. 403. REGULATIONS.

(a) IN GENERAL.—The President is authorized to promulgate such rules and regulations as may be necessary to carry out the provisions of this Act (which may include regulatory exceptions), including under section 205 of the International Emergency Economic Powers Act (50 U.S.C. 1704).

(b) RULE OF CONSTRUCTION.—Nothing in this Act or any amendment made by this Act shall be construed to limit the authority of the President pursuant to an applicable Executive order or otherwise pursuant to the International Emergency Economic Powers Act (50 U.S.C. 1701 et seq.).

SEC. 404. EFFECTIVE DATE.

Except as otherwise provided in this Act, this Act and the amendments made by this Act shall take effect on the date of the enactment of this Act.

SEC. 405. OFFSET.

Section 102(a) of the Enhanced Partnership with Pakistan Act of 2009 (Public Law 111–73; 22 U.S.C. 8412(a)) is amended by striking ''$1,500,000,000'' and inserting ''$1,490,000,000''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and to include any extraneous materials in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, North Korea, which is one of the nuclear proliferators on this planet in having proliferated missiles to Iran and in having proliferated to Syria the construction some years ago of a site in order to create nuclear weapons, this particular regime remains today one of the most significant national security threats that we face. It is an enduring threat to us and our allies in northeast Asia. It is an enduring threat not just because of that proliferation but also because of the attitude of the regime there. Frankly, America's policy over the last 25 years, whether we are talking about a Republican administration or a Democrat administration, has been a bipartisan failure for that whole period of time.

This year marks the 20th anniversary of the Clinton administration's agreed framework, the first in a long line of failed agreements in which North Korea holds out the promise of cooperation, only to game the negotiations for more time and more incentives and uses that opportunity to continue to expand its nuclear program.

□ 1530

Today, we are no closer to the goal of disarming those nukes than we were in 1994. The only difference is there is a whole lot more of them.

Meanwhile, North Korea continues to make progress on its nuclear weapons program, conducting three tests in recent years. It has actively worked on intercontinental ballistic missile technology to deliver a three-stage ICBM.

To underscore the threats that we face, let us not forget that, in 2007, a North Korean-built nuclear reactor was destroyed in Syria along the banks of the Euphrates River.

Mr. Speaker, we need a new approach, frankly, to North Korea, and it is time for Congress to lead. Recent events around the world underscore the foolishness of inaction. We need a clear framework for sanctions to deprive Kim Jong Un of his ability to build nuclear weapons and to repress and abuse the North Korean people. The way a regime treats its own people will tell you a lot in life about how they may end up treating their neighbors.

The North Korea Sanctions Enforcement Act seeks to apply the same type of pressure that the Treasury Department used back in 2005 when it caught the regime counterfeiting hundred-dollar bills. Treasury, at that time, targeted the bank in Macao that was complicit in counterfeiting with North Korea. This action sent a ripple throughout the international financial system, and it seriously hindered North Korea's finances. This was one of the most effective steps in 20 years that we took against North Korea.

I can tell you some of the results because we have talked with defectors afterwards about what they had seen in terms of the fact that productions had closed. The regime could not pay their own generals, and that is not a good position for dictators to be in. Unfortunately, though, the sanctions were lifted by the State Department in the naive hope that the North Koreans would negotiate away their nuclear program.

It is time to open our eyes. This legislation enables our government to go after Kim Jong Un's illicit activities, just like we went after organized crime in our own country, by interdicting shipments and disrupting the flow of money, stopping the hard currency, the very hard currency he utilizes for his weapons program.

These sanctions target North Korea's money laundering, their counterfeiting, their narcotics trafficking operation. The only way we can stop North Korea is cutting off its access to this hard currency, to stop Kim Jong Un from being able to pay his generals or conduct research on nuclear weapons.

Critically, the North Korea Sanctions Enforcement Act also includes the basis imposing sanctions based on North Korea's deplorable human rights abuses. By directly targeting individuals in positions of power, we will finally hold North Korea responsible for the torture, the gulags, the extrajudicial killings that were recently exposed by that high-level UN inquiry, one of the first of its kind.

For far too long, the world has turned a blind eye to human rights abuses in North Korea. By supporting this bill, we will take a critical step toward stopping this type of abuse.

This bipartisan piece of legislation, by the way, has over 140 cosponsors. It has garnered the support of humanitarian groups around the world. And I note that humanitarian aid is in no way affected by this legislation.

Again, humanitarian societies worldwide support this, and I urge my colleagues to support the bill.

Mr. Speaker, I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 23, 2014.

Hon. ED ROYCE,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ROYCE, I am writing with respect to H.R. 1771, the ''North Korea Sanctions Enforcement Act,'' which the Committee on Foreign Affairs ordered reported favorably on May 29, 2014. As a result of your having consulted with us on provisions in H.R. 1771 that fall within the Rule X jurisdiction of the Committee on the Judiciary, I agree to discharge our Committee from further consideration of this bill so that it may proceed expeditiously to the House floor for consideration.

The Judiciary Committee takes this action with our mutual understanding that by foregoing consideration of H.R. 1771 at this time, we do not waive any jurisdiction over subject matter contained in this or similar legislation, and that our Committee will be appropriately consulted and involved as this bill or similar legislation moves forward so that we may address any remaining issues in our jurisdiction. Our Committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and asks that you support any such request.

I would appreciate a response to this letter confirming this understanding with respect to H.R. 1771, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration of H.R. 1771.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 25, 2014.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for consulting with the Committee on Foreign Affairs on H.R. 1771, the North Korea Sanctions Enforcement Act, and for agreeing to be discharged from further consideration of that bill so that it may proceed expeditiously to the House Floor. The suspension text contains edits to portions of the bill

within the Rule X jurisdiction of your committee that were worked out in consultation with your staff.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of the Committee on the Judiciary, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will seek to place our letters on H.R. 1771 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with your Committee as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, July 24, 2014.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ROYCE: I am writing concerning H.R. 1771, the ''North Korea Sanctions Enforcement Act of 2014,'' which was favorably reported out of your Committee on May 29, 2014.

Given that certain provisions in the bill are within the jurisdiction of the Committee on Ways and Means, I appreciate that you have addressed these provisions in response to the Committee's concerns. As a result, in order to expedite floor consideration of the bill, the Committee on Ways and Means will forgo action on H.R. 1771. Further, the Committee will not oppose the bill's consideration on the suspension calendar, based on our understanding that you will work with us as the legislative process moves forward to ensure that our concerns continue to be addressed. This is also being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 1771, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 25, 2014.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Longworth House Office Building, Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for consulting with the Committee on Foreign Affairs on H.R. 1771, the North Korea Sanctions Enforcement Act, and for agreeing to be discharged from further consideration of that bill so that it may proceed expeditiously to the House Floor. The suspension text contains edits to portions of the bill within the rule X jurisdiction of your committee that were worked out in consultation with your staff.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of the Committee on Ways and Means, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will seek to place our letters on H.R. 1771 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with your Committee as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 25, 2014.

Hon. JEB HENSARLING,
Chairman, Committee on Financial Services, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN HENSARLING: Thank you for consulting with the Committee on Foreign Affairs on H.R. 1771, the North Korea Sanctions Enforcement Act, and for agreeing to be discharged from further consideration of that bill so that it may proceed expeditiously to the House Floor. The suspension text contains edits to portions of the bill within the Rule X jurisdiction of your committee that were worked out in consultation with your staff.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of the Committee on Financial Services, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will seek to place our letters on H.R. 1771 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with your Committee as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FINANCIAL SERVICES,
Washington, DC, July 28, 2014.

Hon. EDWARD R. ROYCE,
Chairman, House Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ROYCE: On May 29, 2014, the Committee on Foreign Affairs ordered H.R. 1771, the North Korea Sanctions Enforcement Act of 2013, to be reported favorably to the House with an amendment. As a result of your having consulted with the Committee on Financial Services concerning provisions of the bill that fall within our Rule X jurisdiction, I agree to discharge our committee from further consideration of the bill so that it may proceed expeditiously to the House Floor.

The Committee on Financial Services takes this action with our mutual understanding that by foregoing consideration of H.R. 1771, as amended, at this time, we do not waive any jurisdiction over the subject matter contained in this or similar legislation, and that our committee will be appropriately consulted and involved as the bill or similar legislation moves forward so that we may address any remaining issues that fall within our Rule X jurisdiction. Our committee also reserves the right to seek appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation, and requests your support for any such request.

Finally, I appreciate your July 25 letter anticipating this letter memorializing this understanding with respect to H.R. 1771, as amended. I would further appreciate your inclusion of a copy of our exchange of letters on this matter be included in your committee's report to accompany the legislation and in the Congressional Record during floor consideration thereof.

Sincerely,

JEB HENSARLING,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
Washington, DC, July 25, 2014.

Hon. DARRELL ISSA,
Chairman, Committee on Oversight and Government Reform, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ISSA: Thank you for consulting with the Committee on Foreign Affairs on H.R. 1771, the North Korea Sanctions Enforcement Act, and for agreeing to be discharged from further consideration of that bill so that it may proceed expeditiously to the House Floor. The suspension text contains edits to portions of the bill within the Rule X jurisdiction of your committee that were worked out in consultation with your staff.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of the Committee on Oversight and Government Reform, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will seek to place our letters on H.R. 1771 into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with your Committee as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 28, 2014.

Hon. EDWARD R. ROYCE,
Chairman, Committee on Foreign Affairs, House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 1771, the ''North Korea Sanctions Enforcement Act of 2013.''

H.R. 1771 contains provisions within the Committee on Oversight and Government Reform's rule X jurisdiction. As a result of your having consulted with the Committee and in order to expedite this bill for floor consideration, the Committee on Oversight and Government Reform will forego action on the bill. This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Oversight and Government Reform with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

DARRELL ISSA,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON FOREIGN AFFAIRS,
FORD HOUSE OFFICE BUILDING,
Washington, DC, July 25, 2014.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN MCCAUL: Thank you for consulting with the Committee on Foreign Affairs on H.R. 1771, the North Korea Sanctions Enforcement Act, and for agreeing to forgo a sequential referral request so that the bill may proceed expeditiously to the Floor.

I agree that your forgoing further action on this measure does not in any way diminish or alter the jurisdiction of the Committee on Homeland Security, or prejudice its jurisdictional prerogatives on this bill or similar legislation in the future.

I will seek to place our letters on H.R. 1771 into our Committee Report and into the Congressional Record during floor consideration of the bill. I appreciate your cooperation regarding this legislation and look forward to continuing to work with your Committee as this measure moves through the legislative process.

Sincerely,

EDWARD R. ROYCE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 28, 2014.

Hon. ED ROYCE,
Chairman, Committee on Foreign Affairs, Rayburn House Office Building, Washington, DC.

DEAR CHAIRMAN ROYCE: I am writing concerning H.R. 1771, the ''North Korea Sanctions Enforcement Act,'' which your Committee ordered reported on May 29, 2014.

As a result of your having consulted with the Committee on Homeland Security on provisions in our jurisdiction and in an effort to expedite the House's consideration of H.R. 1771, the Committee on Homeland Security will not assert a jurisdictional claim over this bill by seeking a sequential referral. However, this is conditional upon our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on Homeland Security with respect to the appointment of conferees or to any future jurisdictional claim over the subject matter contained in this bill or similar legislation.

I request that you include a copy of this letter and your response in the Congressional Record during floor consideration of this bill. Thank you for your attention to this matter.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

Mr. CONNOLLY. Mr. Speaker, I rise today in the strongest support of H.R. 1771, the North Korea Sanctions Enforcement Act of 2014.

I yield myself such time as I may consume.

I also want to thank the distinguished chairman. He and I had a conversation several months ago where I encouraged that we put this on the schedule, the agenda, for a markup on the House Foreign Affairs Committee, and he did so with alacrity, and I really appreciate his consideration and leadership.

This legislation, which I am pleased to have cosponsored, provides us with the opportunity to communicate that the House of Representatives is resolved to hold the Orwellian North Korean regime accountable for unspeakable brutality against its own people and the erratic and dangerous manner in which it conducts itself on the world stage.

The bill imposes the first comprehensive sanctions on the North Korea regime, and those in other countries, who abet its arms smuggling, weapons of mass destruction and ballistic missile development, human rights abuses, and terrorism support.

It imposes asset freezes and seizures and visa denials on persons who materially contribute to North Korea's WMD missile development and proliferation, as well as its human rights abuses and support for terrorism.

H.R. 1771 requires the Treasury Department to determine if North Korea is engaged in money laundering, and, if so, it blocks any entity from access to the entire United States financial system if it conducts direct or indirect transactions with North Korea's banks.

It also requires a public report identifying North Korean human rights violators and political prison camps. It calls for a feasibility study of providing North Korean nationals with Internet communication devices that can overcome the incredible censorship in that country.

Mr. Speaker, these sanctions are warranted. North Korea is a reckless international actor that has amassed a litany of violations and abuses of international law that one would think belong in a fictional novel. It continues to develop nuclear weapons programs in defiance of the Security Council and worldwide condemnation.

North Korea supports the development of Iranian missile technology and nuclear capabilities. Hamas and Hezbollah, both designated foreign terrorist organizations by the United States Government, receive missile technology and training from the North Korea regime that they have used to attack Israel, an ally of the United States.

The Security Council at the United Nations' resolutions deterring missile tests and launches are routinely flouted. It is clear that a pattern of behavior has developed in North Korea that should be concerning to all in the international community, not just this body.

The U.S. will not and cannot allow an authoritarian regime to operate with impunity and threaten our national security and that of our allies.

Of course, the United States and the international community should not only address the aggression North Korea has projected outward. The atrocities committed within the borders of North Korea are, of course, of equal concern and deserve similar condemnation.

The status of human rights seems to have regressed under Kim Jong Un, if that is at all possible. A recent United Nations report recounts in horrifying detail the ''offenses'' which land individuals in labor camps, including the misspelling of Kim Jong Il. Deplorable conditions persist in the nation's system of gulags that reports say contain as many as 200,000 prisoners.

People seeking refuge from the oppressive regime must disregard public executions used to intimidate the populace and brave a ''shoot to kill'' set of orders levied against citizens who are simply attempting to make a living somewhere else. Family reunifications between South Korean families and their loved ones on the other side of the DMZ remain limited to fleeting reunions.

I really want to thank Chairman ROYCE and our committee staff on both sides for working with us on an amendment that makes the suspension of sanctions in this legislation conditional on North Korea making significant progress in planning for unrestricted family reunification meetings, including for those individuals among the 2 million strong Korean American community who still have relatives in North Korea.

Pyongyang must pay, and the lives of North Koreans must be improved.

I applaud this legislation for levying extensive sanctions against bad actors in the North Korean saga while recognizing the urgency of humanitarian, medical, and food assistance for North Korea's citizens. Rest assured that no such reprieve is offered by the regime in Pyongyang.

Again, I commend my colleagues, the chairman, and the ranking member of our committee for finding, once again, common ground on the North Korea sanctions issue and for taking decisive action against this despotic regime.

Mr. Speaker, we have no further speakers on this side.

I urge passage of this legislation. I think it can send a very important message to our allies and to our foes and to, especially, the North Korea regime itself. I think the timing is right.

Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, for far too long the world has ignored the significant human rights abuses that occur almost every single day in North Korea. Increasingly, as people escape, we begin to get some sense of what life is like for the hundreds of thousands that live in these concentration camps.

By turning a blind eye to what is going on in North Korea, we, and the rest of the world, risk missing an opportunity to hold the Kim regime responsible for its terrible crimes against humanity. This legislation is a chance to hold them responsible for those crimes against their own people. We have an opportunity here to cut off the hard currency that goes right to the leadership in this regime. They depend on that hard currency.

Earlier this year, the U.N. Commission of Inquiry laid out the most damning case against North Korea. Internationally, communities were shocked by the revelations in this Commission of Inquiry.

As chairman of the Foreign Affairs Committee, I have met with a number of North Korean defectors and refugees over the years. I have heard their stories. We have had some of them testify here in the House of Representatives. I have seen North Korea with my own eyes. I have seen the malnutrition engineered by the regime, while the money goes into their nuclear arms program and their military buildup.

Listen. The message from the defectors and the survivors are remarkably similar. What they tell us is: please help us. By supporting H.R. 1771, we send an unmistakable message that the United States will no longer tolerate a regime that tortures and kills its own people. We will not tolerate, either, nuclear weapons and unchecked proliferation being developed with the hard currency that this regime gets its hands on by violating international law and being involved in the type of smuggling and illegal activities that they are involved in.

North Korea is, undoubtedly, one of the most significant security threats that we here face and our allies face, and I urge my colleagues to support this legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 1771, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

UNITED STATES INTERNATIONAL COMMUNICATIONS REFORM ACT OF 2014

Mr. ROYCE. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4490) to enhance the missions, objectives, and effectiveness of United States international communications, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4490

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''United States International Communications Reform Act of 2014''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. FINDINGS AND DECLARATIONS.

Congress finds and declares the following:

(1) United States international broadcasting exists to advance the United States interests and values by presenting accurate, objective, and comprehensive news and information, which is the foundation for democratic governance, to societies that lack a free media.

(2) Article 19 of the Universal Declaration of Human Rights states that ''[e]veryone has the right to freedom of opinion and expression'', and that ''this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers''.

(3) Secretary of State Hillary Clinton testified before the Committee on Foreign Affairs of the House of Representatives on January 23, 2013, that the Broadcasting Board of Governors (BBG) ''is practically a defunct agency in terms of its capacity to be able to tell a message around the world. So we″re abdicating the ideological arena and need to get back into it.''.

(4) The BBG, which was created by Congress to oversee the United States international broadcasting in the wake of the Cold War, has, because of structural and managerial issues, had limited success to date in both coordinating the various components of the international broadcasting framework and managing the day-to-day operations of the Federal components of the international broadcasting framework.

(5) The lack of regular attendance by board members and a periodic inability to form a quorum have plagued the BBG and, as a result, it has been functionally incapable of running the agency.

(6) The board of governors has only achieved the full slate of all nine governors for seven of its 17 years of existence, which highlights the difficulties of confirming and retaining governors under the current structure.

(7) Both the Department of State's Office of Inspector General and the Government Accountability Office have issued reports which outline a severely dysfunctional organizational structure of the Broadcasting Board of Governors.

(8) The Inspector General of the Department of State concluded in its January 2013 report that dysfunction of the BBG stems from ''a flawed legislative structure and acute internal dissension''.

(9) The Inspector General of the Department of State also found that the BBG's structure of nine part-time members ''cannot effectively supervise all United States Government-supported, civilian international broadcasting'', and its involvement in day-to-day operations has impeded normal management functions.

(10) The Government Accountability Office report determined that there was significant overlap among the BBG's languages services, and that the BBG did not systematically consider the financial cost of overlap.

(11) According to the Office of the Inspector General, the BBG's Office of Contracts is not in compliance with the Federal Acquisition Regulation, lacks appropriate contract oversight, and violates the Anti-Deficiency Act. The Office of the Inspector General also determined that the Broadcasting Board of Governors has not adequately performed full and open competitions or price determinations, has entered into hundreds of personal service contracts without statutory authority, and contractors regularly work without valid contracts in place.

(12) The size and make-up of the BBG workforce should be closely examined, given the agency's broader broadcasting and technical mission, as well as changing media technologies.

(13) The BBG should be structured to ensure that more taxpayer dollars are dedicated to the substantive, broadcasting, and information-related elements of the agency's mission.

(14) The lack of a coherent and well defined mission of the Voice of America has led to programming that duplicates the efforts of the Office of Cuba Broadcasting, Radio Free Asia, RFE/RL, Incorporated, and the Middle East Broadcasting Networks, Incorporated that results in inefficient use of tax-payer funding.

(15) The annual survey conducted by the ''Partnership for Public Service'' consistently ranks the Broadcasting Board of Governors at or near the bottom of all Federal agencies in terms of ''overall best places to work'' and ''the extent to which employees feel their skills and talents are used effectively''. The consistency of these low scores point to structural, cultural, and functional problems at the Broadcasting Board of Governors.

(16) The Federal and non-Federal organizations that comprise the United States international broadcasting framework have different, yet complementary, missions that necessitate coordination at all levels of management.

(17) The Broadcasting Board of Governors has an overabundance of senior civil service positions, defined here as full-time employees encumbering GS-14 and GS-15 positions on the General Schedule pay scale.

(18) United States international broadcasting should seek to leverage public-private partnerships, including the licensing of content and the use of technology owned or operated by non-governmental sources, where possible to expand outreach capacity.

(19) Shortwave broadcasting has been an important method of communication that should be utilized in regions as a component of United States international broadcasting where a critical need for the platform exists.

(20) Congressional action is necessary at this time to improve international broadcasting operations, strengthen the United States public diplomacy efforts, enhance the grantee surrogate broadcasting effort, restore focus to news, programming, and content, and maximize the value of Federal and non-Federal resources that are dedicated to public diplomacy and international broadcasting.

SEC. 3. PURPOSES.

The purposes of this Act are as follows:

(1) To provide objective, accurate, credible, and comprehensive news and information to societies that lack freedom of expression and information.

(2) To improve the efficiency, effectiveness, and flexibility of United States international broadcasting to allow it to adapt to constantly changing political and media environments through clarification of missions, improved coordination, and organizational restructuring.

(3) To coordinate the complementary efforts of the Department of State and United States international broadcasting.

(4) To create a United States international broadcasting framework that more effectively leverages the broadcasting tools available and creates specialization of expertise in mission oriented programming, while minimizing waste and inefficiency.

(5) To improve United States international broadcasting workforce effectiveness, security, and satisfaction.

SEC. 4. DEFINITIONS.

In this Act:

(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term ''appropriate congressional committees'' means the Committee on Foreign Affairs of the House of Representatives, the Committee on Foreign Relations of the Senate, the Committee on Appropriations of the House of Representatives, and the Committee on Appropriations of the Senate.

(2) GRANTEE.—The term ''grantee'' means the non-Federal organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code as of day before the date of the enactment of this Act that receives Federal funding from the Broadcasting Board of Governors, and includes Radio Free Asia, RFE/RL, Incorporated, and the Middle East Broadcasting Networks, Incorporated.

(3) FREEDOM NEWS NETWORK.—The term ''Freedom News Network'' refers to the non-Federal organization described in section 501(c)(3) of the Internal Revenue Code of 1986 and exempt from tax under section 501(a) of such Code that would receive Federal funding and be responsible for promoting democratic freedoms and free media operations for foreign audiences in societies that lack freedom of expression and information, and consisting of the consolidation of the grantee in accordance with section 211.

(4) PUBLIC DIPLOMACY.—The term ''public diplomacy'' means the effort to achieve broad United States foreign policy goals and objectives, advance national interests, and enhance national security by informing and influencing foreign publics and by expanding and strengthening the relationship between the people and Government of the United States and citizens of other countries.

SEC. 5. BROADCASTING STANDARDS.

United States international broadcasting shall incorporate the following standards into all of its broadcasting efforts:

(1) Be consistent with the broad foreign policy objectives of the United States.

(2) Be consistent with the international telecommunications policies and treaty obligations of the United States.

(3) Not duplicate the activities of private United States broadcasters.

(4) Be conducted in accordance with the highest professional standards of broadcast journalism while remaining consistent with and supportive of the broad foreign policy objectives of the United States.

(5) Be based on reliable, research-based information, both quantitative and qualitative, about its potential audience.

(6) Be designed so as to effectively reach a significant audience.

(7) Promote freedom of expression, religion, and respect for human rights and human equality.

SEC. 6. ELIGIBLE BROADCAST AREAS.

(a) IN GENERAL.—The Board of the United States International Communications Agency and the Board of the Freedom News Network, in consultation with the Secretary of State, shall ensure that United States international broadcasting is conducted only to countries and regions that—

(1) lack democratic rule, or the indicia of democratic rule, such as demonstrable proof of free and fair elections;

(2) lack the legal and political environment that allows media organizations and journalists to operate free from government-led or permitted harassment, intimidation, retribution, and from economic impediments to the development, production, and dissemination of news and related programming and content;

(3) lack established, domestic, and widely accessible media that provide accurate, objective, and comprehensive news and related programming and content; and

(4) by virtue of the criteria described in this subsection, would benefit the national security and related interests of the United States, and the safety and security of United States citizens at home and abroad.

(b) EXCEPTION.—The United States International Communications Agency and the Freedom News Network may broadcast to countries that fall outside of the criteria described in subsection (a) if the Chief Executive Officer of the Agency and the Freedom News Network, in consultation with the Secretary of State, determine it is in the national security interest of the United States, or in the interests of preserving the safety and security of United States citizens at home and abroad, to do so.

TITLE I—ESTABLISHMENT, ORGANIZATION, AND MANAGEMENT OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY

Subtitle A—Establishment of the United States International Communications Agency

SEC. 101. EXISTENCE WITHIN THE EXECUTIVE BRANCH.

There is hereby established a single Federal organization consisting of the Voice of America and the offices that constitute the International Broadcasting Bureau and referred to hereafter as the ''United States International Communications Agency'', which shall exist within the executive branch of Government as an independent establishment described in section 104 of title 5, United States Code.

SEC. 102. ESTABLISHMENT OF THE BOARD OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.

(a) COMPOSITION OF THE BOARD OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.—

(1) IN GENERAL.—The Board (in this section referred to as the ''Board'') of the United States International Communications Agency shall consist of nine members, as follows:

(A) Eight voting members who shall be appointed by the President, by and with the advice and consent of the Senate.

(B) The Secretary of State, who shall also be a voting member.

(2) CHAIR.—The President shall appoint one member (other than the Secretary of State) as Chair of the Board, by and with the advice and consent of the Senate.

(3) POLITICAL AFFILIATION.—Exclusive of the Secretary of State, not more than four members of the Board shall be of the same political party.

(4) RETENTION OF EXISTING BBG MEMBERS.—The presidentially-appointed and Senate-confirmed members of the Broadcasting Board of Governors serving as of the date of the enactment of this Act shall constitute the Board of the United States International Communications Agency and hold office the remainder of their original terms of office without reappointment to the Board.

(b) TERM OF OFFICE.—The term of office of each member of the Board shall be three

years, except that the Secretary of State shall remain a member of the Board during the Secretary's term of service. Of the other eight voting members, the initial terms of office of two members shall be one year, and the initial terms of office of three other members shall be two years, as determined by the President. The President shall appoint, by and with the advice and consent of the Senate, Board members to fill vacancies occurring prior to the expiration of a term, in which case the members so appointed shall serve for the remainder of such term. Members may not serve beyond their terms. When there is no Secretary of State, the Acting Secretary of State shall serve as a member of the Board until a Secretary is appointed.

(c) SELECTION OF BOARD.—Members of the Board shall be citizens of the United States who are not regular full-time employees of the United States Government. Such members shall be selected by the President from among citizens distinguished in the fields of public diplomacy, mass communications, print, broadcast media, or foreign affairs.

(d) COMPENSATION.—Members of the Board, while attending meetings of the Board or while engaged in duties relating to such meetings or in other activities of the Board pursuant to this section (including travel time) shall be entitled to receive compensation equal to the daily equivalent of the compensation prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code. While away from their homes or regular places of business, members of the Board may be allowed travel expenses, including per diem in lieu of subsistence, in accordance with section 5703 of such title for persons in the Government service employed intermittently. The Secretary of State shall not be entitled to any compensation under this chapter.

(e) DECISIONS.—Decisions of the Board shall be made by majority vote, a quorum being present. A quorum shall consist of a majority of members then serving at the time a decision of the Board is made.

(f) TRANSPARENCY.—The Board of the United States International Communications Agency shall adhere to the provisions specified in the Government in the Sunshine Act (Public Law 94–409).

SEC. 103. AUTHORITIES AND DUTIES OF THE BOARD OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.

The Board of the United States International Communications Agency shall have the following authorities:

(1) To review and evaluate the mission and operation of, and to assess the quality, effectiveness, and professional integrity of, all programming produced by the United States International Communications Agency to ensure alignment with the broad foreign policy objectives of the United States.

(2) To ensure that broadcasting of the United States International Communications Agency is conducted in accordance with the standards specified in section 5.

(3) To review, evaluate, and recommend to the Chief Executive of the United States International Communications Agency, at least annually, in consultation with the Secretary of State, the necessity of adding or deleting of language services of the Agency.

(4) To submit to the President and Congress an annual report which summarizes and evaluates activities of the United States International Communications Agency described in this title.

SEC. 104. ESTABLISHMENT OF THE CHIEF EXECUTIVE OFFICER OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.

(a) IN GENERAL.—There shall be a Chief Executive Officer of the United States International Communications Agency, appointed by the Board of the Agency for a five-year term, renewable at the Board's discretion, and subject to the provisions of title 5, United States Code, governing appointments, classification, and compensation.

(b) QUALIFICATIONS.—The Chief Executive Officer shall be selected from among United States citizens with two or more of the following qualifications:

(1) A distinguished career in managing a large organization or Federal agency.

(2) Experience in the field of mass communications, print, or broadcast media.

(3) Experience in foreign affairs or international relations.

(4) Experience in directing United States public diplomacy programs.

(c) TERMINATION AND TRANSFER.—Immediately upon appointment of the Chief Executive Officer under subsection (a), the Director of the International Broadcasting Bureau shall be terminated, and all of the responsibilities and authorities of the Director shall be transferred to and assumed by the Chief Executive Officer.

(d) REMOVAL OF CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer under subsection (a) may be removed upon a two-thirds majority vote of the members of the Board of the United States International Communications Agency then serving.

(e) COMPENSATION OF THE CHIEF EXECUTIVE OFFICER.—Any Chief Executive Officer of the United States International Communications Agency hired after the date of the enactment of this Act, shall be eligible to receive compensation up to an annual rate of pay equivalent to level I of the Executive Schedule under section 5315 of title 5, United States Code.

SEC. 105. AUTHORITIES AND DUTIES OF THE CHIEF EXECUTIVE OFFICER OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.

(a) DUTIES.—The Chief Executive Officer under section 104 shall direct operations of the United States International Communications Agency and shall have the following non-delegable authorities, subject to the supervision of the Board of the United States International Communications Agency:

(1) To supervise all Federal broadcasting activities conducted pursuant to title V of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1461 et seq.) and the Voice of America as described in subtitle B of title I of this Act.

(2) To make and ensure compliance with the terms and conditions of the grant agreement in accordance with section 110.

(3) To review engineering activities to ensure that all broadcasting elements receive the highest quality and cost-effective delivery services.

(4) To undertake such studies as may be necessary to identify areas in which broadcasting activities under the authority of the United States International Communications Agency could be made more efficient and economical.

(5) To the extent considered necessary to carry out the functions of the Board, procure supplies, services, and other personal property, as well as procurement pursuant to section 1535 of title 31, United States Code (commonly referred to as the ''Economy Act''), of such goods and services from other Federal agencies for the Board as the Board determines are appropriate.

(6) To appoint such staff personnel for the Board as the Board may determine to be necessary, subject to the provisions of title 5, United States Code, governing appointments in the competitive service, and to fix their compensation in accordance with the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(7) To obligate and expend, for official reception and representation expenses, such amounts as may be made available through appropriations Acts.

(8) To make available in the annual reports required under section 103 information on funds expended on administrative and managerial services by the Board of the United States Communications Agency, and the steps the Board has taken to reduce unnecessary overhead costs for each of the broadcasting services.

(9) To provide for the use of United States Government broadcasting capacity to the Freedom News Network.

(10)(A) To procure temporary and intermittent personal services to the same extent as is authorized by section 3109 of title 5, United States Code, at rates not to exceed the daily equivalent of the rate provided for positions classified above grade GS-15 of the General Schedule under section 5108 of such title.

(B) To allow those individuals providing such services, while away from their homes or their regular places of business, travel expenses (including per diem in lieu of subsistence) as authorized by section 5703 of title 5, United States Code, for persons in the Government service employed intermittently, while so employed.

(11) To utilize the provisions of titles III, IV, V, VII, VIII, IX, and X of the United States Information and Educational Exchange Act of 1948 (22 U.S.C. 1431 et seq.), and section 6 of Reorganization Plan Number 2 of 1977, as in effect on the day before the effective date of title XIII of the Foreign Affairs Agencies Consolidation Act of 1998, to the extent the Board considers necessary to carry out the provisions and purposes of this Act.

(12) To utilize the authorities of any other statute, reorganization plan, executive order, regulation, agreement, determination, or other official document or proceeding that had been available to the Director of the United States Information Agency, the International Broadcasting Bureau, or the Board of the Broadcasting Board of Governors before the date of the enactment of this Act.

(13)(A) To provide for the payment of primary and secondary school expenses for dependents of personnel stationed in the Commonwealth of the Northern Mariana Islands (CNMI) at a cost not to exceed expenses authorized by the Department of Defense for such schooling for dependents of members of the Armed Forces stationed in the Commonwealth, if the Board determines that schools available in the Commonwealth are unable to provide adequately for the education of the dependents of such personnel.

(B) To provide transportation for dependents of such personnel between their places of residence and those schools for which expenses are provided under subparagraph (A), if the Board determines that such schools are not accessible by public means of transportation.

(b) CONSULTATIONS.—The Chief Executive Officer of the United States International Communications Agency shall regularly consult with the Chief Executive Officer of the Freedom News Network and the Secretary of State as described in sections 108 and 109.

SEC. 106. ROLE OF THE SECRETARY OF STATE.

To assist the Board of the United States International Communications Agency in carrying out its functions, the Secretary of State shall provide to the Board information in accordance with section 109(b), as well as guidance on United States foreign policy and public diplomacy priorities, as the Secretary determines appropriate.

SEC. 107. ROLE OF THE INSPECTOR GENERAL.

(a) IN GENERAL.—The Inspector General of the Department of State shall exercise the

same authorities with respect to the United States International Communications Agency and the Freedom News Network as the Inspector General exercises with respect to the Department.

(b) JOURNALIST INTEGRITY.—The Inspector General of the Department of State shall respect the journalistic integrity of all the broadcasters covered by this Act and may not evaluate the philosophical or political perspectives reflected in the content of the broadcasts of such broadcasters.

SEC. 108. ENHANCED COORDINATION BETWEEN UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY AND THE FREEDOM NEWS NETWORK; PROGRAM CONTENT SHARING; GRANTEE INDEPENDENCE.

(a) MEETINGS.—The chair of the Board and Chief Executive Officer of the United States International Communications Agency shall meet at least on a quarterly basis with the chair and Chief Executive Officer, as identified in section 221, of the Freedom News Network to discuss mutual issues of concern, including the following:

(1) The strategic direction of their respective organizations, including target audiences.

(2) Languages of information transmission.

(3) Prioritization of funding allocations.

(4) Areas for greater collaboration.

(5) Elimination of programming overlap.

(6) Efficiencies that can be realized through best practices and lessons learned.

(7) Sharing of program content.

(b) INFORMATION SHARING.—The Chief Executive Officer of the United States International Broadcasting Agency and the Chief Executive Officer of the Freedom News Network shall share all strategic planning documents, including the following:

(1) Results monitoring and evaluation.

(2) Annual planning documents.

(3) Audience surveys conducted.

(4) Budget formulation documents.

(c) PROGRAM CONTENT SHARING.—The United States International Communications Agency and the Freedom News Network shall make all original content available to each other through a shared platform in accordance with section 112(a)(3).

(d) INDEPENDENCE OF FREEDOM NEWS NETWORK.—The United States International Communications Agency, while conducting management of the grant described in section 110, shall avoid even the appearance of involvement in daily operations, decisions, and management of the Freedom News Network, and ensure that the distinctions between the United States International Communications Agency and Freedom News Network remain in accordance with this Act.

SEC. 109. ENHANCED COORDINATION AMONG THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY, THE FREEDOM NEWS NETWORK, AND THE DEPARTMENT OF STATE; FREEDOM NEWS NETWORK INDEPENDENCE.

(a) COORDINATION MEETINGS.—The Chief Executive Officer of the United States International Communications Agency and the Chief Executive Officer of the Freedom News Network shall meet, at least on a quarterly basis, with the Secretary of State to—

(1) review and evaluate broadcast activities;

(2) eliminate overlap of programming; and

(3) determine long-term strategies for international broadcasting to ensure such strategies are in accordance with the broad foreign policy interests of the United States.

(b) STRATEGIC PLANNING DOCUMENTS.—The Chief Executive Officer of the United States International Communications Agency, the Chief Executive Officer of the Freedom News Network, and the Secretary of State shall share all relevant unclassified strategic planning documents produced by the Agency, the Freedom News Network, and the Department of State.

(c) FREEDOM NEWS NETWORK INDEPENDENCE.—The Department of State, while coordinating with the Freedom News Network in accordance with subsection (a), shall avoid even the appearance of involvement in the daily operations, decisions, and management of the Freedom News Network.

SEC. 110. GRANTS TO THE FREEDOM NEWS NETWORK.

(a) IN GENERAL.—The Chief Executive Officer of the United States International Communications Agency shall make grants to RFE/RL, Incorporated, Radio Free Asia, or the Middle East Broadcasting Networks, Incorporated only after the Chief Executive Officer of the Agency and the Chief Executive Officer of Freedom News Network certify to the appropriate congressional committees that the headquarters of the Freedom News Network and its senior administrative and managerial staff are in a location which ensures economy, operational effectiveness, and accountability, and the following conditions have been satisfied:

(1) RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated have submitted to the Chief Executive Officer of the United States International Communications Agency a plan for consolidation and reconstitution as described in section 211 under the new corporate name ''Freedom News Network'' with a single organizational structure and management framework, as described in section 221.

(2) The necessary steps towards the consolidation described in paragraph (1) have been completed, including the selection of a Board, Chair, and Chief Executive Officer for the Freedom News Network, the establishment of bylaws to govern the Freedom News Network, and the filing of articles of incorporation.

(3) A plan for content sharing has been developed in accordance with section 112(a)(3).

(4) A strategic plan for programming implementation has been developed in accordance with section 222(c).

(b) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Board of the United States International Communications Agency shall submit to Congress a report on the status of any grants made to the Freedom News Network.

(c) ALTERNATIVE GRANTEE.—If the Chief Executive Officer of the United States International Communications Agency, after consultation with the Board of the Agency and the appropriate congressional committees, determines at any time that the Freedom News Network is not carrying out the mission described in section 212 and adhering to the standards and principles described in section 213 in an effective and economical manner for which a grant has been awarded, the Chief Executive Officer of the Agency, upon approval of the Board, may award to another entity the grant at issue to carry out such functions after soliciting and considering applications from eligible entities in such manner and accompanied by such information as the Board may require.

(d) NOT A FEDERAL ENTITY.—Nothing in this Act may be construed to make the Freedom News Network a Federal agency or instrumentality.

(e) AUTHORITY.—Grants authorized under this section for the United States International Communications Agency shall be available to make annual grants to the Freedom News Network for the purpose of carrying out the mission described in section 212 and adhering to the standards and principles described in section 213.

(f) GRANT AGREEMENT.—Grants authorized under this section to the Freedom News Network by the Chief Executive Officer of the United States International Communications Agency shall only be made in accordance with a grant agreement. Such grant agreement shall include the following provisions:

(1) A grant shall be used only for activities in accordance with carrying out the mission described in section 212 and adhering to the standards and principles described in section 213.

(2) The Freedom News Network shall comply with the requirements of this section.

(3) Failure to comply with the requirements of this section may result in suspension or termination of a grant without further obligation by the United States International Communications Agency or the United States.

(4) Use of broadcasting technology owned and operated by the United States International Communications Agency shall be made available through an International Cooperative Administrative Support Service (ICASS) agreement or memorandum of understanding.

(5) The Freedom News Network shall, upon request, provide to the Chief Executive Officer of the United States International Communications Agency documentation which details the expenditure of any grant funds.

(6) A grant may not be used to require the Freedom News Network to comply with any requirements other than the requirements specified in this Act.

(7) A grant may not be used to allocate resources within the Freedom News Network in a manner that is inconsistent with the Freedom News Network strategic plan described in section 222(c).

(g) PROHIBITIONS ON THE USE OF GRANTS.—Grants authorized under this section may not be used for the following purposes:

(1)(A) Except as provided in subparagraph (B) or (C), to pay any salary or other compensation, or enter into any contract providing for the payment of salary or compensation, in excess of the rates established for comparable positions under title 5, United States Code, or the foreign relations laws of the United States, except that no employee may be paid a salary or other compensation in excess of the rate of pay payable for level II of the Executive Schedule under section 5315 of such title.

(B) Salary and other compensation limitations under subparagraph (A) shall not apply with respect to any employee covered by a union agreement requiring a salary or other compensation in excess of such limitations before the date of the enactment of this Act.

(C) Notwithstanding the limitations specified in subparagraph (A), grants authorized under this section may be used by the Freedom News Network to pay up to six employees employed in the Washington, D.C. area, salary or other compensation not to exceed the rate of pay payable for level I of the Executive Schedule under section 5314 of title 5, United States Code, except that such shall not apply to the Chief Executive Officer of the Freedom News Network in accordance with section 221(d).

(2) For any activity intended to influence the passage or defeat of legislation being considered by Congress.

(3) To enter into a contract or obligation to pay severance payments for voluntary separation for employees hired after December 1, 1990, except as may be required by United States law or the laws of the country where such an employee is stationed.

(4) For first class travel for any employee of the Freedom News Network, or the relative of any such employee.

SEC. 111. OTHER PERSONNEL AND COMPENSATION LIMITATIONS.

(a) IN GENERAL.—Subject to the organizational and personnel restrictions described in subsection (c), the Chief Executive Officer of the United States International Communications Agency shall have the discretion to determine the distribution of all personnel within the Agency, subject to the approval of the Board of the Agency.

(b) LIMITATION ON COMPENSATION.—

(1) IN GENERAL.—No employee of the United States International Communications Agency, other than the Chief Executive Officer or Director of the Voice of America, shall be eligible to receive compensation at a rate in excess of step 10 of GS-15 of the General Schedule under section 5332 of title 5, United States Code.

(2) EXCEPTION.—The limitation described in paragraph (1) does not apply in the case of members of the Board in accordance with section 102(d) or affect the rights of employees covered under the Fair Labor Standards Act of 1938.

(c) PROHIBITION ON CERTAIN NEW EMPLOYMENT.—

(1) IN GENERAL.—Beginning on the date of the enactment of this Act and ending on the date that is five years after such date, the United States International Communications Agency may not fill any currently unfilled full-time or part-time position compensated at an annual rate of basic pay for grade GS-14 or GS-15 of the General Schedule under section 5332 of title 5, United States Code, including any currently filled position in which the incumbent resigns, retires, or otherwise leaves such position during the such five year period.

(2) WAIVER.—The Chief Executive Officer of the United States International Communications Agency may waive the prohibition specified in paragraph (1) if the position is determined essential to the functioning of the Agency and documented as such in the report required under section 112(a), or necessary for the acquisition of skills or knowledge not sufficiently represented in the current workforce of the Agency. The Chief Executive Officer of the Agency shall consult with the appropriate congressional committees before issuing a waiver under this paragraph.

(d) CONTINUATION OF FEDERAL STATUS.—Nothing in this Act may be interpreted to change the Federal status or rights of employees of the Voice of America or the International Broadcasting Bureau by the consolidation and establishment of the United States International Communications Agency.

SEC. 112. REPORTING REQUIREMENTS OF THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY.

(a) REORGANIZATION REPORT.—Not later than 180 days after the date of the enactment of this Act, the Chief Executive Officer of the United States International Communications Agency shall submit to the appropriate Congressional committees a report that includes the following:

(1) A plan to assess and provide recommendations on the appropriate size and necessity of all current offices and positions (also referred to as a ''staffing pattern'') within the Agency, including full-time employee positions rated at the Senior Executive Service (SES) level or at GS-14 or GS-15 on the General Schedule under section 5332 of title 5, United States Code. Such plan shall include a detailed organizational structure that delineates lines of authority and reporting between junior staff, management, and leadership.

(2) A plan to consolidate the Voice of America and the International Broadcasting Bureau into a single Federal entity identified as the ''United States International Communications Agency'', and how the structure and alignment of resources support the fulfillment of the Agency's mission and standards and principles as described in sections 5 and 122.

(3) A plan for developing a platform to share all programming content between the United States International Communications Agency and the Freedom News Network, including making available for distribution all programming content licensed or produced by the Agency and the Freedom News Network, and expanding the functionality of the platforms already in existence, such as the web content management system ''Pangea''.

(4) A joint plan written with the Chief Executive Officer of the Freedom News Network to coordinate the transition of language services between the United States International Communications Agency and the Freedom News Network in accordance with sections 6, 123, 124, 212, and 214.

(b) CONTRACTING REPORT.—The Chief Executive Officer of the United States International Communications Agency shall annually submit to the appropriate congressional committees a report on the Agency's compliance with the Federal Acquisition Regulation (the ''FAR'') and the Anti-Deficiency Act, including a review of contracts awarded on a non-competitive basis, compliance with the FAR requirement for publicizing contract actions, the use of any personal service contracts without explicit statutory authority, and processes for contract oversight in compliance with the FAR.

(c) LISTENERSHIP REPORT.—The Chief Executive Officer of the United States International Communications Agency shall annually submit to the appropriate congressional committees a report that details the transmission capacities, market penetration, and audience listenership of all mediums of international communication deployed by the United States International Communications Agency, including a plan for how target audiences can be reached if the first medium of delivery is unavailable.

(d) GAO REPORT.—Every five years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the appropriate congressional committees a report that reviews the effectiveness of content sharing between the United States International Communications Agency and the Freedom News Network and makes recommendations on how content sharing can be improved.

(e) LANGUAGE REPORT.—Not later than one year after the date of the enactment of this Act, the Chief Executive Officer of the United States International Communications Agency and the Chief Executive Officer of the Freedom News Network shall submit to the appropriate congressional committees a joint report detailing—

(1) information outlining the criteria and analysis used to determine broadcast recipient countries and regions; and

(2) an initial list of broadcast countries and regions.

Subtitle B—The Voice of America

SEC. 121. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) the Voice of America has been an indispensable element of United States foreign policy and public diplomacy efforts since 1942, and should remain the flagship brand of the United States International Communications Agency;

(2) the Voice of America has been a reliable source of accurate, objective, and comprehensive news and related programming and content for the millions of people around the world who cannot obtain such news and related programming and content from indigenous media outlets;

(3) the Voice of America's success over more than seven decades has created valuable brand identity and international recognition that justifies the maintenance of the Voice of America;

(4) the Voice of America's public diplomacy mission remains essential to broader United States Government efforts to communicate with foreign populations; and

(5) despite its tremendous historical success, the Voice of America would benefit substantially from a recalibration of Federal international broadcasting agencies and resources, which would provide the Voice of America with greater mission focus and flexibility in the deployment of news, programming, and content.

SEC. 122. PRINCIPLES OF THE VOICE OF AMERICA.

The Voice of America shall adhere to the following principles in the course of fulfilling its duties and responsibilities:

(1) Serving as a consistently reliable and authoritative source of news on the United States, its policies, its people, and the international developments that affect the United States.

(2) Providing accurate, objective, and comprehensive information, with the understanding that these three values provide credibility among global news audiences.

(3) Presenting the official policies of the United States, and related discussions and opinions about those policies, clearly and effectively.

(4) Representing the whole of the United States, and shall accordingly work to produce programming and content that presents a balanced and comprehensive projection of the diversity of thought and institutions of the United States.

SEC. 123. DUTIES AND RESPONSIBILITIES OF THE VOICE OF AMERICA.

The Voice of America shall have the following duties and responsibilities:

(1) Producing accurate, objective, and comprehensive news and related programming that is consistent with and promotes the broad foreign policies of the United States.

(2) Producing news and related programming and content that accurately represents the diversity of thoughts and institutions of the United States as a whole.

(3) Presenting the law and policies of the United States clearly and effectively.

(4) Promoting the civil and responsible exchange of information and differences of opinion regarding policies, issues, and current events.

(5) Making all of its produced news and related programming and content available to the Freedom News Network for use and distribution.

(6) Producing or otherwise allowing editorials, commentary, and programming, in consultation with the Department of State, that present the official views of the United States Government and its officials.

(7) Maximizing foreign national information access through both the use of existing broadcasting tools and resources and the development and dissemination of circumvention technology.

(8) Providing training and technical support for independent indigenous media and journalist enterprises in order to facilitate or enhance independent media environments and outlets abroad.

(9) Reaching identified foreign audiences in local languages and dialects when possible, particularly when such audiences form a distinct ethnic, cultural, or religious group within a country critical to United States national security interests.

(10) Being capable of providing a broadcasting surge capacity under circumstances

where overseas disasters, crises, or other events require increased or heightened international public diplomacy engagement.

SEC. 124. LIMITATION ON VOICE OF AMERICA NEWS, PROGRAMMING, AND CONTENT; EXCEPTION FOR BROADCASTING TO CUBA.

(a) IN GENERAL.—Except as provided in subsection (b), the Voice of America shall be limited to providing reporting in accordance with the principles specified in section 122. Nothing in this section may preclude the Voice of America from broadcasting programming content produced by the Freedom News Network.

(b) EXCEPTION FOR BROADCASTING TO CUBA.—Radio Marti and Television Marti, which constitute the Office of Cuba Broadcasting, shall continue programming and content production consistent with the mission and activities as described in the Radio Broadcasting to Cuba Act (Public Law 98–111) and the Television Broadcasting to Cuba Act (Public Law 101–246), and continue existing within the Voice of America of the United States International Communications Agency, established in section 101.

SEC. 125. DIRECTOR OF VOICE OF AMERICA.

(a) ESTABLISHMENT.—There shall be a Director of the Voice of America, who shall be responsible for executing the duties and responsibilities of the Voice of America described in subsection (b).

(b) DUTIES AND RESPONSIBILITIES.—The Director of the Voice of America shall, subject to the final approval of the Chief Executive Officer of the United States International Communications Agency carry out the following duties and responsibilities:

(1) Determine the organizational structure of, and personnel allocation or relocation within, the Voice of America, subject to section 105.

(2) Make recommendations to the Chief Executive Officer of the United States International Communications Agency regarding the production, development, and termination of Voice of America news programming and content.

(3) Make recommendations to the Chief Executive Officer of the United States International Communications Agency about the establishment, termination, prioritization, and adjustments of language services utilized by the Voice of America to reach its international audience.

(4) Allocate funding and material resources under the jurisdiction of the Voice of America for the furtherance of the other duties and responsibilities established under this subsection.

(5) Oversee the daily operations of the Voice of America, including programming content.

(c) APPOINTMENT AND QUALIFICATIONS OF DIRECTOR.—

(1) IN GENERAL.—The position of Director of the Voice of America shall be filled by a person who shall serve at the pleasure of the Chief Executive Officer of the United States International Communications Agency.

(2) ELIGIBILITY.—To be eligible to be appointed Director of the Voice of America, a person shall have at least two of the following qualifications:

(A) Prior, extensive experience managing or operating a private-sector media or journalist enterprise.

(B) Prior, extensive experience managing or operating a large organization.

(C) Prior, extensive experience engaged in mass media or journalist program development, including the development of circumvention technologies.

(D) Prior, extensive experience engaged in international journalism or other related activities, including the training of international journalists and the promotion of democratic institutional reforms abroad.

(3) COMPENSATION.—Any Director who is hired after the date of the enactment of this Act shall be entitled to receive compensation at a rate equal to the annual rate of basic pay for level III of the Executive Schedule under section 5315 of title 5, United States Code.

Subtitle C—General Provisions

SEC. 131. FEDERAL AGENCY COORDINATION IN SUPPORT OF UNITED STATES PUBLIC DIPLOMACY.

(a) IN GENERAL.—The Board of the United States International Communications Agency and the Freedom News Network shall conduct periodic, unclassified consultations with the Department of State, the United States Agency for International Development, the Department of Defense, and the Office of the Director of National Intelligence, for the purpose of assessing the following:

(1) Progress toward democratization, the development of free and independent media outlets, and the free flow of information in countries that receive programming and content from the United States International Communications Agency and the Freedom News Network.

(2) Foreign languages that have increased or decreased in strategic importance, and the factors supporting such assessments.

(3) Any other international developments, including developments with regional or country-specific significance, that might be of value in assisting the United States International Communications Agency and the Freedom News Network in the development of their programming and content.

(b) GUIDANCE.—The Board of the United States International Communications Agency shall use the unclassified consultations required under subsection (a) as guidance for its distribution and calibration of Federal resources in support of United States public diplomacy.

SEC. 132. FEDERAL AGENCY ASSISTANCE AND COORDINATION WITH THE UNITED STATES INTERNATIONAL COMMUNICATIONS AGENCY AND THE FREEDOM NEWS NETWORK DURING INTERNATIONAL BROADCAST SURGES.

(a) IN GENERAL.—Subject to a formal request from the Chair of the Board of the United States International Communications Agency, Federal agency heads shall assist and coordinate with the Agency to facilitate a temporary broadcasting surge or enhance transmission capacity for such a temporary broadcasting surge for the Agency, the Freedom News Network, or both.

(b) ACTIONS.—In accordance with subsection (a), Federal agency heads shall assist or coordinate with the United States International Communications Agency by—

(1) supplying or facilitating access to, or use of—

(A) United States Government-owned transmission capacity, including the use of transmission facilities, equipment, resources, and personnel; and

(B) other non-transmission-related United States Government-owned facilities, equipment, resources, and personnel;

(2) communicating and coordinating with foreign host governments on behalf of, or in conjunction with, the Agency or the Freedom News Network;

(3) providing, or assisting in the obtaining of, in-country security services for the safety and protection of Agency or Freedom News Network personnel; and

(4) providing or facilitating access to any other United States Government-owned resources.

(c) PROHIBITION.—Notwithstanding any other provision of law, neither Federal agency heads nor their agencies shall receive any reimbursement or compensatory appropriations for complying with implementing this section.

SEC. 133. FREEDOM NEWS NETWORK RIGHT OF FIRST REFUSAL IN INSTANCES OF FEDERAL DISPOSAL OF RADIO OR TELEVISION BROADCAST TRANSMISSION FACILITIES OR EQUIPMENT.

(a) IN GENERAL.—Notwithstanding any other provision of law, it shall be the policy of the United States International Communications Agency to, in the event it intends to dispose of any radio or television broadcast transmission facilities or equipment, provide the Freedom News Network with the right of first refusal with respect to the acquisition of such facilities and equipment.

(b) TRANSFER AND DISPOSAL.—Pursuant to subsection (a)—

(1) in the event the Freedom News Network is willing to accept the facilities and equipment referred to in such subsection, the United States International Communications Agency shall transfer to the Freedom News Network such facilities and equipment at no cost to the Freedom News Network; or

(2) in the event the Freedom News Network opts to not accept such facilities and equipment, the United States International Communications Agency may sell such facilities and equipment at market price, and retain any revenue from such sales.

(c) RULES REGARDING CERTAIN FUNDS.—Pursuant to subsections (b) and (c), any revenues that the United States International Communications Agency shall derive from such sales shall be used entirely for the purposes or research, development, and deployment of innovative broadcasting or circumvention technology.

SEC. 134. REPEAL OF THE UNITED STATES INTERNATIONAL BROADCASTING ACT OF 1994.

The United States International Broadcasting Act of 1994 (22 U.S.C. 6201 et seq.; title III of Public Law 103–236) is repealed (and the items relating to title III in the table of contents of such Public Law are struck).

SEC. 135. EFFECTIVE DATE.

This title shall take effect on the date that is 180 days after the date of the enactment of this Act.

TITLE II—THE FREEDOM NEWS NETWORK

SEC. 201. SENSE OF CONGRESS.

It is the sense of Congress that RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated share a common mission with distinct geographic foci, and should therefore be merged into a single organization, with distinct marketing brands to provide the news and related programming and content in countries where free media are not established.

Subtitle A—Consolidation of Existing Grantee Organizations

SEC. 211. FORMATION OF THE FREEDOM NEWS NETWORK FROM EXISTING GRANTEES.

(a) IN GENERAL.—When the conditions specified in section 110 are satisfied, the Freedom News Network, comprised of the consolidation of RFE/RL Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated, shall exist to carry out all international broadcasting activities supported by the United States Government, in accordance with sections 212 and 213.

(b) MAINTENANCE OF THE EXISTING INDIVIDUAL GRANTEE BRANDS.—RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated shall remain brand names under which news and related programming and content may be disseminated by the Freedom News Network. Additional brands may be created as necessary.

SEC. 212. MISSION OF THE FREEDOM NEWS NETWORK.

The Freedom News Network established under section 211 shall—

(1) provide uncensored local and regional news and analysis to people in societies where a robust, indigenous, independent, and free media does not exist;

(2) strengthen civil societies by promoting democratic values and promoting equality and the rights of the individual, including for marginalized groups, such as women and minorities;

(3) help countries improve their indigenous capacity to enhance media professionalism and independence, and develop partnerships with local media outlets, as appropriate; and

(4) promote access to uncensored sources of information, especially via the internet, and use all effective and efficient mediums of communication to reach target audiences.

SEC. 213. STANDARDS AND PRINCIPLES OF THE FREEDOM NEWS NETWORK.

The broadcasting of the Freedom News Network shall—

(1) be consistent with the broad foreign policy objectives of the United States;

(2) be consistent with the international telecommunications policies and treaty obligations of the United States;

(3) be conducted in accordance with the highest professional standards of broadcast journalism;

(4) be based on reliable information about its potential audience;

(5) be designed so as to effectively reach a significant audience; and

(6) prioritize programming to populations in countries without independent indigenous media outlets.

Subtitle B—Organization of the Freedom News Network

SEC. 221. GOVERNANCE OF THE FREEDOM NEWS NETWORK.

(a) BOARD OF THE FREEDOM NEWS NETWORK.—A board shall oversee the Freedom News Network and consist of nine individuals with a demonstrated background in media or the promotion of democracy and experience in measuring media impact.

(b) COMPOSITION OF FIRST BOARD OF THE FREEDOM NEWS NETWORK.—Not later than 90 days after the date of the enactment of this Act, the Presidents of RFE/RL Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks shall—

(1) identify, in consultation with the appropriate congressional committees, candidates for the first board of the Freedom News Network;

(2) direct the appointment of board members; and

(3) select the first chair of the board of the Freedom News Network.

(c) CONGRESSIONAL CONSULTATION REGARDING THE FIRST BOARD OF THE FREEDOM NEWS NETWORK.—The individuals appointed pursuant to subsection (b) shall serve as members of the first board of the Freedom News Network unless a joint resolution of disapproval is enacted.

(d) OPERATIONS OF THE FIRST BOARD OF THE FREEDOM NEWS NETWORK.—

(1) IN GENERAL.—The board of the Freedom News Network shall have nine members charged with the sole responsibility to operate the Freedom News Network within the legal jurisdiction of its state of incorporation. The board of the Freedom New Network shall exercise due diligence, and execute its fiduciary duties to the corporation without conflict of interests and consistent with section 212. At no time may the United States International Communications Agency add requirements to a grant agreement with the Freedom News Network that could be construed as inappropriate supervision, oversight, or management under chapter 63 of title 31, United States Code. Nothing in this title may be construed to make the Freedom News Network an agency, establishment, or instrumentality of the United States Government, or to make the members of the board of Freedom News Network, or the officers or employees of Freedom News Network, officers of employees of the United States Government.

(2) BYLAWS.—The first board of the Freedom News Network shall write the bylaws of the organization.

(3) OVERSIGHT.—The Freedom News Network shall be subject to the appropriate oversight procedures of Congress.

(4) TERM LIMITS.—The board members of the first board of the Freedom News Network may not serve more than a three-year term, and shall be replaced in accordance with the bylaws referred to in paragraph (2) and the succession process described in paragraph (5).

(5) SUCCESSION OF BOARD MEMBERS.—The board members of the first board of the Freedom News Network and all subsequent boards shall fill vacancies on the board due to death, resignation, removal, or term expiration through an election process described in the bylaws referred to in paragraph (2) and in accordance with the principle of a ''self-replenishing'' body.

(6) SELECTION OF BOARD MEMBERS.—The board members of the Freedom News Network may not be current employees or officers of RFE/RL Incorporated, Radio Free Asia, the Middle East Broadcasting Networks, or the United States International Communications Agency.

(e) COMPENSATION OF BOARD AND OFFICERS OF THE FREEDOM NEWS NETWORK.—Members of the board of the Freedom News Network may not receive any fee, salary, or remuneration of any kind for their service as members, except that such members may be reimbursed for reasonable expenses, such as board-related travel, incurred with approval of the board upon presentation of vouchers. No officers of the Freedom News Network, other than the Chief Executive Officer, shall be eligible to receive compensation at a rate in excess of the annual rate of basic pay for level II on the Executive Schedule under section 5315 of title 5, United States Code.

(f) ABOLISHMENT OF EXISTING BOARDS.—The boards of directors of RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated in existence on the day before the date of the enactment of this Act shall be abolished on the date of the first official meeting of the first board of the Freedom News Network.

(g) CHIEF EXECUTIVE OFFICER.—The Chief Executive Officer of the Freedom News Network shall serve at the pleasure of the board of the Freedom News Network, and be responsible for the day-to-day management and operations of the Freedom News Network, including the selection of individuals for management positions, ensuring compliance with all applicable rules, regulations, laws, and circulars, providing strategic vision for the execution of its mission as specified in section 212, and carrying out such other responsibilities as set forth in the laws of the State of its incorporation.

(h) PLAN FOR CONSOLIDATION OF EXISTING INDIVIDUAL GRANTEES.—

(1) IN GENERAL.—Not later than 180 days after the date of the first official meeting of the first board of the Freedom News Network, the chair of the board of the Freedom News Network shall submit a report to, and consult with, the appropriate congressional committees on the plan to consolidate RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated into a single non-Federal grantee organization.

(2) COMPONENTS.—The consolidation plan referred to in paragraph (1) shall include the following components:

(A) The location and distribution of employees, including administrative, managerial, and technical staff, of the Freedom News Network that will be located within and outside the metropolitan area of Washington, D.C.

(B) An organizational chart identifying the managerial and supervisory lines of authority among all employees of the Freedom News Network, including the members of the board and chair.

(3) TIME FOR IMPLEMENTATION.—Not later than three years after the date of the enactment of this Act, the chair of the board of the Freedom News Network shall fully implement the consolidation plan referred to in paragraph (1) after consultation with the appropriate congressional committees.

(4) REPORT.—Not later than five years after the date on which initial funding is provided for the purpose of operating the Freedom News Network, the chair of the board of the Freedom News Network shall submit to the appropriate congressional committees a report that details the following:

(A) Whether the Freedom News Network is technically sound and cost-effective.

(B) Whether the Freedom News Network consistently meets the standards for quality and impact established by this title.

(C) Whether the Freedom News Network is receiving a sufficient audience to warrant its continued operation.

(D) The extent to which the Freedom News Network's programming and content is already being received by the target audience from other credible indigenous or external sources.

(E) The extent to which the broad foreign policy and national security interests of the United States are being served by maintaining operations of the Freedom News Network.

SEC. 222. BUDGET OF THE FREEDOM NEWS NETWORK.

(a) IN GENERAL.—The annual budget of the Freedom News Network shall consist of the following:

(1) A grant described in section 110, consisting of the total grants to RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated before the date of the enactment of this Act.

(2) Any grants or transfers from other Federal agencies.

(3) Other funds described in subsection (b).

(b) OTHER SOURCES OF FUNDING.—The Freedom News Network may, to the extent authorized by its board and in accordance with applicable laws and the mission of the Freedom News Network under section 212 and eligible broadcast areas under section 6, collect and utilize non-Federal funds, except that the Freedom News Network may not accept funds from the following:

(1) Any foreign governments or foreign government officials.

(2) Any agents, representatives, or surrogates of any foreign government or foreign government official.

(3) Any foreign-owned corporations or any subsidiaries of any foreign-owned corporation, regardless of whether such subsidiary is United States-owned.

(4) Any foreign national or individual who is not either a citizen or a legal permanent resident of the United States.

(c) ANNUAL STRATEGIC PLAN OF THE FREEDOM NEWS NETWORK.—The Freedom News Network shall submit to the appropriate congressional committees and the United States International Communications Agency an annual strategic plan to satisfy the requirements specified in section 110. Each

such strategic plan shall outline the following:

(1) The strategic goals and objectives of the Freedom News Network for the upcoming fiscal year.

(2) The alignment of the Freedom News Network's resources with the strategic goals and objectives referred to in paragraph (1).

(3) Clear benchmarks that establish the progress made towards achieving the strategic goals and objectives referred to in paragraph (1).

(4) A plan to monitor and evaluate the success of the Freedom News Network's broadcasting efforts.

(5) A reflective analysis on the activities on the past fiscal year.

(6) Any changes to facility leases, contracts, or ownership that would result in the relocation of staff or personnel.

(d) SENSE OF CONGRESS.—It is the sense of Congress that administrative and managerial costs for operation of the Freedom News Network should be kept to a minimum and, to the maximum extent feasible, should not exceed the costs that would have been incurred if RFE/RL, Incorporated, Radio Free Asia, and the Middle East Broadcasting Networks, Incorporated had been operated as independent grantees or as a Federal entity within the Voice of America.

SEC. 223. ASSISTANCE FROM OTHER GOVERNMENT AGENCIES.

(a) SURPLUS PROPERTIES.—In order to assist the Freedom News Network in carrying out the provisions of this title, any agency or instrumentality of the United States may sell, loan, lease, or grant property (including interests therein) to the Freedom News Network as necessary.

(b) FACILITIES AND BROADCASTING INFRASTRUCTURE.—The United States International Communications Agency and the Freedom News Network shall negotiate an International Cooperative Administrative Support Service (ICASS) agreement or memorandum of understanding permitting the continued use of technological infrastructure for broadcasting and information dissemination, except that the Freedom News Network may choose to procure such services through negotiated contracts with private-sector providers.

SEC. 224. REPORTS BY THE OFFICE OF THE INSPECTOR GENERAL OF THE DEPARTMENT OF STATE; AUDITS BY GAO.

(a) IG REPORTS.—The Inspector General of the Department of State shall, as appropriate, submit to the appropriate congressional committees reports on management practices of the Freedom News Network, including financial reports on unobligated balances.

(b) GAO AUDITS.—

(1) IN GENERAL.—Financial transactions of the Freedom News Network, as such relate to functions carried out under this Act, may be audited by the Government Accountability Office in accordance with such principles and procedures and under such rules and regulations as may be prescribed by the Comptroller General of the United States. Any such audit shall be conducted at the place or places where accounts of the Freedom News Network are normally kept.

(2) ACCESS.—Representatives of the Government Accountability Office shall have access to all books, accounts, records, reports, files, papers, and property belonging to or in use by the Freedom News Network pertaining to the financial transactions referred to in paragraph (1) and necessary to facilitate an audit in accordance with such paragraph. All such books, accounts, records, reports, files, papers, and property of the Freedom News Network shall remain in the possession and custody of the Freedom News Network.

(c) TRANSFER OF FUNDS.—Notwithstanding any other provision of law, one percent of the funds made available by the United States International Communications Agency shall be transferred to the Inspector General of the Department of State to cover the expenses of carrying out the activities of the Inspector General under this section.

SEC. 225. AMENDMENTS TO THE UNITED STATES INFORMATION AND EDUCATIONAL EXCHANGE ACT OF 1948.

The United States Information and Educational Exchange Act of 1948 is amended—

(1) in title V (22 U.S.C. 1461 et seq.), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Communications Agency'' each place it appears;

(2) by amending paragraph (1) of section 501(b) (22 U.S.C. 1461(b)) to read as follows:

''(1) Except as provided in paragraph (2), the Secretary and the United States International Communications Agency may, upon request and reimbursement of the reasonable costs incurred in fulfilling such a request, make available, in the United States, motion pictures, films, video, audio, and other materials disseminated abroad pursuant to this Act. Any reimbursement pursuant to this paragraph shall be credited to the applicable appropriation account of the Department of State or the United States International Communications Agency, as appropriate. The Secretary and the United States International Communications Agency shall issue necessary regulations.'';

(3) by repealing sections 504 and 505 (22 U.S.C. 1464 and 1464a);

(4) by redesignating section 506 (22 U.S.C. 1464b) as section 504;

(5) in section 504, as so redesignated, in subsection (c), in the matter preceding paragraph (1), by striking ''Board'' each place it appears and inserting ''Agency'';

(6) in clause (iii) of section 604(d)(1)(A) (22 U.S.C. 1469(d)(1)(A)), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Communications Agency'';

(7) in paragraph (3) of section 801 (22 U.S.C. 1471), by striking ''Director of the United States Information Agency'' and inserting ''Chief Executive Officer of the United States International Communications Agency'';

(8) in subsection (b) of section 802 (22 U.S.C. 1472)—

(A) in paragraph (1)(B), by striking ''Director of the United States Information Agency'' and inserting ''Chief Executive Officer of the United States International Communications Agency''; and

(B) in paragraph (4)(A), by striking ''Broadcasting Board of Governors'' and inserting ''United States International Communications Agency''; and

(9) in paragraph (1) of section 804 (22 U.S.C. 1474), by striking ''Director of the United States Information Agency'' and inserting ''Chief Executive Officer of the United States International Communications Agency'';

(10) in section 810(b) (22 U.S.C. 1475e(b))—

(A) in the matter preceding paragraph (1), by striking ''United States Information Agency'' and inserting ''United States International Communications Agency''; and

(B) in paragraph (4), by striking ''International Broadcasting Bureau'' and inserting ''United States International Communications Agency''; and

(11) in subsection (a) of section 1011 (22 U.S.C. 1442), by striking ''Director of the United States Information Agency'' and inserting ''Chief Executive Officer of the United States International Communications Agency''.

TITLE III—MISCELLANEOUS PROVISIONS

SEC. 301. PRESERVATION OF UNITED STATES NATIONAL SECURITY OBJECTIVES.

The Chief Executive Officer of the United States International Communications Agency and the Chief Executive Officer of the Freedom News Network shall each establish procedures to vet and monitor employees of each such agency for affiliations to terrorist organizations, foreign governments, or agents of foreign governments to protect against espionage, sabotage, foreign propaganda messaging, and other subversive activities that undermine United States national security objectives.

SEC. 302. REQUIREMENT FOR AUTHORIZATION OF APPROPRIATIONS.

(a) LIMITATION ON OBLIGATION AND EXPENDITURE OF FUNDS.—Notwithstanding any other provision of law, for the fiscal year 2015 and for each subsequent fiscal year, any funds appropriated for the purposes of broadcasting subject to supervision of the Board of the United States International Communications Agency shall not be available for obligation or expenditure—

(1) unless such funds are appropriated pursuant to an authorization of appropriations; or

(2) in excess of the authorized level of appropriations.

(b) SUBSEQUENT AUTHORIZATION.—The limitation under subsection (a) of this section shall not apply to the extent that an authorization of appropriations is enacted after such funds are appropriated.

(c) APPLICATION.—The provisions of this section—

(1) may not be superseded, except by a provision of law which specifically repeals, modifies, or supersedes the provisions of this section; and

(2) shall not apply to, or affect in any manner, permanent appropriations, trust funds, and other similar accounts which are authorized by law and administered under or pursuant to this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. ROYCE) and the gentleman from Virginia (Mr. CONNOLLY) each will control 20 minutes.

The Chair recognizes the gentleman from California.

GENERAL LEAVE

Mr. ROYCE. Mr. Speaker, I ask unanimous consent that Members may have 5 legislative days to revise and extend their remarks and include extraneous material in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. ROYCE. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the world has been watching eastern Ukraine following the downing of a civilian passenger plane by Russian-backed separatists. We have watched as families have grieved. We have watched as thugs have blocked access to the crash site.

I say ''thugs'' because a lot of these individuals are recruited in the Russian-speaking world on these social Web sites and, frankly, every malcontent, every skinhead that they could enlist in this cause has been given a weapon, and their behavior, as we have watched on television, is really unconscionable.

What isn't so well known is the information battle that is being waged and that we are losing. We are losing on this front in the information war.

□ 1545

Listen to what The Economist magazine says: ''Russia has again become a place in which truth and falsehood are no longer distinct, and facts are put into the service of the government. Mr. Putin sets himself up as a patriot, but he is a threat—to international norms, to his neighbors, and to the Russians, themselves, who are intoxicated by his hysterical brand of anti-Western propaganda.''

That analysis followed Russia's latest lie, that Malaysian Airlines Flight 17 was shot down by the Ukrainian military.

Look, I was in eastern Ukraine. I had an opportunity to talk to many Russian-speaking Ukrainians. I will tell you what they shared with me—and this was whether they were civil rights groups, the local governor Dnepropetrovsk, minority groups, women's groups, the Jewish community there, which is a very vibrant community; they all share the same concern.

They felt that this crisis was being engineered by President Vladimir Putin and that he was sending in and recruiting malcontents and trying to create a crisis. And they felt that the reason he was doing it was to try to break off eastern Ukraine to become part of Russia. And they resisted this. They felt it was very important that elections go forward.

Now you have a new government in Ukraine that is trying to push a peace plan and, instead, you have got the propaganda every night. And the question is, who is going to offset that propaganda? Our best weapon in this information battle, the Broadcasting Board of Governors, the BBG, is totally defunct.

This is not just my observation. Former Secretary of State Hillary Clinton and others have observed that that is the world we live in now. We have known this for years, based on report after report from the Government Accountability Office and the Office of the Inspector General.

This has real consequences. One newspaper rightly noted: ''The BBG has greatly diminished America's capacity to fight the Putin propaganda machine.'' If we don't put the truth out there, if we don't put our reality out there, if there isn't a surrogate free radio and television for people to listen to, all they are going to hear is the conspiratorial note of propaganda.

Former BBG governors, Voice of America directors, staff, and those that follow international broadcasting have repeatedly called on Congress to step up and reform the BBG. We must act with urgency.

Yes, Russia's propaganda machine is saturating the airwaves with false information designed to incite violence, designed to stoke sectarian fears and create a pretext for Russian military engagement in Ukraine.

But I will share with you that, in the Middle East, Hezbollah's television station, Al-Manar, continues to broadcast lies and propaganda and incitement designed to destabilize the region and build support for a terror war on Israel and on democracy there.

China's CCTV now broadcasts to over 100 countries and recently established its new Africa bureau in Nairobi, Kenya.

You know, there was a time when the U.S. dominated the international airwaves. Now we are a voice among many, but that voice is really on the defensive and, in many places, is no longer heard.

Our competitors highlight our failings. They minimize our successes. They are working 24/7 to discredit America in a well-orchestrated game of chess, and we have a part-time broadcasting board.

This legislation, the United States International Communications Reform Act of 2014, is a bipartisan effort to reform the BBG and make it more effective and efficient in efforts to confront this propaganda. The legislation cuts the bureaucracy so that more funding is spent fighting foreign propaganda instead of paying inflated salaries in Washington. The bill brings accountability to our international broadcasters, installing a full-time CEO empowered to make decisions. The current dysfunctional board of nine part-time Presidential appointees is reduced to an appropriate advisory capacity.

The Voice of America is, once again, an integral part of foreign policy, with a mission that makes clear that all three parts of the charter must be emphasized. Radio Free Europe, Radio Free Asia, and the Middle East Broadcasting Network—the so-called ''surrogates''—have a different mission; that is, to provide uncensored local news and information to people in closed societies and to be ''a megaphone for internal advocates of freedom.'' Whether it is in Iran, North Korea, or elsewhere, our surrogate broadcasters will be at the tip of the spear in this information battle and are given a global mandate to go after the most despotic regimes, exposing their abuses, their violence, their hypocrisy, and telling the story of what is really going on in the country.

And these critical reforms come with the benefit of a cost savings to the American taxpayers here. H.R. 4490 will result in a cost savings of $160 million over 5 years.

The legislation mandates that no future funding will be provided unless cost-saving reforms are implemented, including administrative consolidation, right-sizing, and leveraged public-private partnerships. Ripping away the bureaucracy will reduce administrative overlap and allow both organizations to strive.

To be clear, this legislation isn't about creating a U.S. Government propaganda effort. VOA is not being turned into a version of Russia's RT or China's CCTV.

This bill is about communicating America's message of pluralism, tolerance, and transparency to foreign audiences. There was a time when we did that really well, but we have lost it. This bill gets us back on track. We can't afford anything but high performance with the world's crises seemingly multiplying.

I reserve the balance of my time.

Mr. CONNOLLY. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 4490, the United States International Communications Reform Act.

I want to congratulate, again, Chairman ROYCE and Ranking Member ELIOT ENGEL on the bipartisan legislation before us today to reform the Broadcasting Board of Governors.

I am pleased to join them in cosponsoring these commonsense reforms that will result in a more clearly defined mission for the Broadcasting Board of Governors and its components, and a more efficient operation on behalf of the taxpayers.

Like many of my colleagues, I was troubled to hear former Secretary of State Clinton tell the House Foreign Affairs Committee that the Broadcasting Board of Governors had become ''practically a defunct agency in terms of its capacity to be able to tell a message around the world.'' And as the chairman of the House Foreign Affairs Committee just said, we need that ability right now, given the events that are going on in Russia and the Ukraine.

As my colleagues know, this bill responds to critical reports issued early last year by the Government Accountability Office and the State Department Office of Inspector General, which were the subject of a hearing before our committee last June. Those reports highlighted structural deficiencies and overlapping functions within the Broadcasting Board of Governors' federally operated programs Voice of America and the Office of Cuba Broadcasting, and the private but federally funded broadcasters Radio Free Europe/Radio Liberty, the Middle East Broadcasting Networks, and Radio Free Asia.

This legislation also clarifies the mission statements of the Federal and non-Federal broadcasters. Voice of America, for example, will now confine itself to its public diplomacy mission to foster positive relationships between the United States and the rest of the world.

There were concerns about mission creep within the Voice of America, blurring the lines between it and the mission of the international broadcasters to provide uncensored and objective news and analysis on a local and regional level in those places lacking a free press.

The bill also includes necessary structural reforms, including a new International Communications Agency

with a CEO to manage the day-to-day operations of VOA and other federally run operations.

As we learned during last year's hearing, there was growing concern of micromanagement by the Broadcasting Board of Governors and the challenge of achieving a quorum at the board meetings needed to make operational decisions. This will put the Board of Governors in a more advisory role.

Further, the bill will consolidate the non-Federal broadcasters under the same umbrella, known as the Freedom News Network, achieving economies of scale, saving money, as the chairman has indicated, and allowing for closer collaboration on other more global efforts.

Importantly, this legislation maintains the requirement that U.S. Federal programs serve as an objective source of news and information and not as a mouthpiece for U.S. foreign policy.

This bill has been a collaborative effort that included outreach and input from key stakeholders, including the board itself, the broadcasters, and agency staff. This is the kind of bipartisan oversight on which we should be focusing. I wish more committees in this body would follow this example.

Once again, I thank Chairman ROYCE and Ranking Member ELIOT ENGEL for their bipartisan leadership and for bringing our committee, once again, together on this very important piece of legislation.

Having no further speakers on this side, Mr. Speaker, I yield back the balance of my time.

Mr. ROYCE. Mr. Speaker, I just will close with this because we had testimony before the Foreign Affairs Committee last summer by the former BBG Governor, Enders Wimbush. And I wanted to quote what he said:

Today's problem is not enough information but the opposite. Most places, even some enduring the repression of nasty regimes, get plenty, much of it junk. This is the new competitive landscape for U.S. international broadcasting. Our competitors, too, have multiplied, while our allies have retreated. One would think that American strategists would sharpen their spears to compete in this world. Yet the opposite seems to be happening, again, due in large part to the incoherence of the BBG. It is incapable of articulating a set of media strategies, and it has no way to attach whatever measures it does adapt to larger U.S. national objectives.

So as you can tell, the current bureaucratic umbrella overseeing U.S. international broadcasters is deeply flawed. That is why this bill is so important. We need our international broadcasters to succeed in their missions. We want the Voice of America to—I am going to quote President Kennedy here—''tell America's story to the world.'' We want our surrogate broadcasters to tell the stories to people in closed societies that their own governments won't tell them. And we want the American taxpayers to see a return on the generous investment they have been making in international broadcasting. This legislation does that, and I urge all of the Members to support it.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. ROYCE) that the House suspend the rules and pass the bill, H.R. 4490, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

ESSENTIAL TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL ASSESSMENT ACT

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3202) to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3202

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Essential Transportation Worker Identification Credential Assessment Act''.

SEC. 2. COMPREHENSIVE SECURITY ASSESSMENT OF THE TRANSPORTATION SECURITY CARD PROGRAM.

(a) IN GENERAL.—Not later than one year after the date of enactment of this Act, the Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives, the Committee on Commerce, Science, and Transportation of the Senate, and the Comptroller General of the United States a comprehensive assessment of the effectiveness of the transportation security card program under section 70105 of title 46, United States Code, at enhancing security and reducing security risks for facilities and vessels regulated pursuant to section 102 of Public Law 107–295. Such assessment shall be conducted by a national laboratory that, to the extent practicable, is within the Department of Homeland Security laboratory network with expertise in maritime security or by a maritime security university-based center within the Department of Homeland Security centers of excellence network.

(b) CONTENTS.—The comprehensive assessment shall include—

(1) an evaluation of the extent to which the program, as implemented, addresses known or likely security risks in the maritime environment;

(2) an evaluation of the extent to which deficiencies identified by the Comptroller General have been addressed; and

(3) a cost-benefit analysis of the program, as implemented.

(c) CORRECTIVE ACTION PLAN; PROGRAM REFORMS.—Not later than 60 days after the Secretary submits the assessment under subsection (a), the Secretary shall submit a corrective action plan to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate that responds to the assessment under subsection (b). The corrective action plan shall include an implementation plan with benchmarks, may include programmatic reforms, revisions to regulations, or proposals for legislation, and shall be considered in any rule making by the Department relating to the transportation security card program.

(d) COMPTROLLER GENERAL REVIEW.—Not later than 120 days after the Secretary issues the corrective action plan under subsection (c), the Comptroller General shall—

(1) review the extent to which such plan implements—

(A) recommendations issued by the national laboratory or maritime security university-based center, as applicable, in the assessment submitted under subsection (a); and

(B) recommendations issued by the Comptroller General before the enactment of this Act; and

(2) inform the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate as to the responsiveness of such plan to such recommendations.

(e) TRANSPORTATION SECURITY CARD READER RULE.—

(1) IN GENERAL.—The Secretary of Homeland Security may not issue a final rule requiring the use of transportation security card readers until—

(A) the Comptroller General informs the Committees on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and Commerce, Science and Transportation of the Senate that the submission under subsection (a) is responsive to the recommendations of the Comptroller General; and

(B) the Secretary issues an updated list of transportation security card readers that are compatible with active transportation security cards.

(2) LIMITATION ON APPLICATION.—Paragraph (1) shall not apply with respect to any final rule issued pursuant to the notice of proposed rulemaking on Transportation Worker Identification Credential (TWIC)-Reader Requirements published by the Coast Guard on March 22, 2013 (78 Fed. Reg. 17781)

(f) COMPTROLLER GENERAL OVERSIGHT.—Not less than 18 months after the date of the issuance of the corrective action plan under subsection (c), and every six months thereafter during the 3-year period following the date of the issuance of the first report under this subsection, the Comptroller General shall report to the Committee on Homeland Security and the Committee on Transportation and Infrastructure of the House of Representatives and the Committee on Commerce, Science, and Transportation of the Senate regarding implementation of the corrective action plan.

SEC. 3. NO ADDITIONAL FUNDS AUTHORIZED.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act, and this Act and such amendments shall be carried out using amounts otherwise available for such purpose.

The SPEAKER pro tempore (Mr. BYRNE). Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that

all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. I yield myself as much time as I may consume.

Mr. Speaker, I rise in very strong support of H.R. 3202, which is called the Essential Transportation Worker Identification Credential Assessment Act, commonly referred to as TWIC, which I will now call TWIC. That is a mouthful.

First, I would certainly like to thank the gentlewoman from Texas (Ms. JACKSON LEE) for introducing this very thoughtful legislation. She has really worked very diligently on this in a very bipartisan way. We have worked together to move this legislation through our subcommittee and through the full Committee on Homeland Security.

□ 1600

This bill will really help Congress determine the value of the TWIC program and simultaneously allow the department to proceed apace with finalizing the long-awaited card reader rule.

I mentioned I am a cosponsor of this bill because it really responds to key recommendations of the GAO that the TWIC program should have a baseline security assessment before the program moves forward.

As many of my colleagues with ports in their districts know, TWIC is a port security program that has been wrought with constant delays and questions about its overall security value.

Last year, the Border and Maritime Subcommittee that I am honored to chair held a hearing with the Coast Guard, with the TSA, and with the GAO on the TWIC program and the ongoing concerns that we have with it, and this legislation, Mr. Speaker, is really a result of that oversight.

Now, it may be hard to believe, but more than a decade after the legislation that required TWIC was first enacted, there has been no security or effectiveness assessment of the program to assess the underlying assumptions of the security and access control concerns that the card was intended to mitigate.

This bill seeks to answer the simple question: How, if at all, does TWIC improve maritime security? It should have been one of the very first things that the department did when it began to implement this program, and this bill ensures that it finally gets done.

The TWIC card was initially designed to prevent terrorists from gaining access to sensitive parts of our Nation's ports through the use of biometric-enabled credentials. However, with no biometric reader regulations in place, the TWIC card currently is used really as a flash pass, since most facilities and vessels are neither currently required to nor voluntarily utilize biometric readers. The lack of biometric readers, therefore, limits the effectiveness of this program.

For several years, members of the Homeland Security Committee have been calling on the department to release the card reader rule to provide some certainty to workers and to industry. We finally received the notice of proposed rulemaking over a year ago, which would require TWIC readers to be used at the riskiest 5 percent of all the TWIC-regulated vessels and facilities, and this comes, Mr. Speaker, nearly 6 years after workers were first required to pay for and to obtain a TWIC card.

The delays are so significant that workers have already had to renew their biometric credentials in the time that it has taken to issue regulations on credential readers to actually utilize this biometric-enabled technology.

While we certainly all agree that there is huge room for improvement with the TWIC program, putting it on hold for several more years, we think, would do more harm than good. The business community has been preparing for this TWIC rule for several years.

This bill will give them certainty about the requirements of the program. It also allows the Coast Guard and the TSA to continue their efforts to deliver the port security program that Congress enacted several years ago.

Finally, H.R. 3202 requires the GAO to perform consistent reviews of the TWIC program and to follow the changes the department makes as a result of the required assessment. This added level of review will provide Congress, especially the members of our committee, with progress updates for future legislative action.

The proposed rule and open GAO recommendations lead to some very basic questions about mitigating threats, risk, and vulnerability at our Nation's ports and how the TWIC program should be used effectively to prevent a potential terrorist attack. We certainly have an obligation to get this right.

Mr. Speaker, I would urge my colleagues to support H.R. 3202, and I reserve the balance of my time.

COMMITTEE ON TRANSPORTATION AND INFRASTRUCTURE, HOUSE OF REPRESENTATIVES,
Washington, DC, July 8, 2014.

Hon. MICHAEL T. MCCAUL,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR MR. CHAIRMAN: I write concerning H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act, as ordered reported, with amendment, by the Committee on Homeland Security on June 11, 2014. This legislation includes matters that fall within the Rule X jurisdiction of the Committee on Transportation and Infrastructure.

In order to expedite floor consideration of H.R. 3202, the Committee on Transportation and Infrastructure will forgo action on this bill. However, this is conditional on our mutual understanding that forgoing consideration of the bill does not prejudice the Committee with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation that fall within the Committee's Rule X jurisdiction. I request you urge the Speaker to name members of the Committee to any conference committee named to consider such provisions.

Please place a copy of this letter and your response acknowledging our jurisdictional interest into the committee report on H.R. 3202 and into the Congressional Record during consideration of the measure on the House floor.

Sincerely,

BILL SHUSTER,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 8, 2014.

Hon. BILL SHUSTER,
Chairman, Committee on Transportation and Infrastructure, Washington, DC.

DEAR CHAIRMAN SHUSTER: Thank you for your letter regarding the Committee on Transportation and Infrastructure's jurisdictional interest in H.R. 3202, the ''Essential Transportation Worker Identification Credential Assessment Act.''

I agree that the Committee on Transportation and Infrastructure has a jurisdictional interest in the United States Coast Guard, and that the Committee's jurisdiction will not be adversely affected by your decision to forego consideration of H.R. 3202. Additionally, I will support your request for an appropriate appointment of outside conferees from your Committee in the event of a House-Senate conference on this or similar legislation, should such a conference be convened.

Finally, I will include a copy of your letter and this response in the report accompanying H.R. 3202 and in the Congressional Record during consideration of this bill on the Floor. Thank you again for your cooperation.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

Ms. JACKSON LEE. Mr. Speaker, I rise in strong support of H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act and yield myself such time as I may consume.

Mr. Speaker, again, I rise in strong support of my bill, H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act and, again, want to offer my appreciation to Chairwoman MILLER of the committee, that I am the ranking member of, for her collaboration, cooperation, and commitment to America's security and working together in a bipartisan manner not only at the subcommittee level, but at the full committee level.

Again, thanking Mr. MCCAUL, the chairman of the full committee, and Mr. THOMPSON, the ranking member of the full committee, I would offer to say that Homeland Security has put national security first beyond any of our partisan desires, so I am grateful for that as we move this legislation forward.

I would like to think that both Chairwoman MILLER and myself believe that there is a value to the TWIC card. Even this weekend, as I was in my district canvassing an area about crime issues, a gentleman came out and said: I have a house here, I am training individuals how to apply for the TWIC card.

I couldn't believe it. In a neighborhood, there was someone who was trying to get resources to train people to get a TWIC card because they knew how valuable it was if you want to work in the Nation's ports.

It is valuable, but I want to acknowledge the card reader pilot results are unreliable, and security benefits need to be reassessed. This was done by the GAO in May 2013. I would just like to read these words from what the GAO recommended:

Congress should halt DHS' efforts to promulgate a final regulation until the successful completion of a security assessment of the effectiveness of using TWIC.

Here is an issue where Congress rose to the occasion, and this is this legislation, to be able to respond to make something better. When Congress enacted the SAFE Port Act in 2006, we directed the Secretary of Homeland Security to implement a biometric credential program to ensure that individuals with unescorted access to sensitive areas of ports and vessels were vetted and known.

I think there is enough evidence for us to know that terror can come in many forms, and we know that by some of the terrible incidents that have occurred—the incident in Yemen where one of our ships was attacked—so we know how difficult securing these large areas and vessels are.

However, we learned that, as implemented by TSA and the Coast Guard, there are weaknesses in the program. Indeed, the Government Accountability Office has identified serious shortcomings with the TWIC program, as implemented, that may undermine the program's intended purpose and make it difficult to justify costs, particularly the costs to workers.

I want to emphasize workers because when we first began this program, there were a number of us on the committee who wanted to do several things, wanted to provide more centers where TWIC cards could be accessible because many of the longshoremen and other workers were finding it difficult in their schedule to be able to secure one.

I secured a TWIC card to be able to determine how the process works. The biometrics issue came out from the 9/11 reports. It was suggested that biometrics would be the way to go, and so the TWIC card was designed that way, to deal with biometrics.

Unfortunately, all those efforts of trying to make it accessible didn't answer the question of whether or not it was going to be effective. Again, I remember trying to get around-the-clock sites where longshoremen and others who worked in these areas could get it, according to their shifts. Some of them are out for many days and months at a time.

Specifically, GAO's review of the pilot tests aimed at assessing the technology and operational impact of using the TWIC with card readers show that the test results were incomplete, inaccurate, and unreliable for informing Congress and for developing a regulation about the readers.

GAO found that challenges related to pilot planning, data collection, and reporting effected the completeness, accuracy, and reliability of the pilot results. GAO determined that these issues call into question the program's premise and effectiveness in enhancing security.

In response, I introduced H.R. 3202, with the support of subcommittee Chairwoman MILLER as an original cosponsor, to ensure that Congress received an independent—I want to make it very clear that this is very important—an independent scientific assessment of the program and to require the Secretary to ensure a corrective action plan in response to the assessment. The required assessment should give Congress the information it needs to determine how best to proceed with the program.

I want to point out that in committee, language was integrated that clarified that any pending rulemaking would not be impacted by this bill and refine the scope of the assessment we are seeking, made it more pointed, and made it very clear that any rulemaking would not be interfered with.

I think that is the right way for Congress to work. The department has said that the final rule for biometric readers will be published in January 2015.

Mr. Speaker, I am hoping that we can continue to be on that schedule. We were hoping that it was going to be earlier, but we hope that this report will be more helpful to Congress in determining how, ultimately, this program will work.

There is great interest in the final rule; particularly, there is interest in how many ports and vessels will be required to install readers for biometric cards.

If the final rule requires only a limited number of vessels in ports to have biometrics readers, as has been previously proposed by the department, we will certainly need to have a discussion about what this means for the approximately 2 million truckers, longshoremen, and port workers who today are required to carry biometric cards to do their jobs.

We want an effective system. I believe it could be effective. I believe it is valuable. I believe people should be carded going into security areas or sensitive areas, and I think we have gotten our workers to be able to understand it as well, if it works right for them.

So we will look forward to this process where we continue to collaborate, and this legislation will be helpful as such.

Mr. Speaker, I would like to just have some closing remarks to emphasize that the idea of the Transportation Worker Identification card, the TWIC card, was to promote security and standardization.

It was a common credential that enables facility and vessel operators, as well as Federal, State, local, tribal, and territorial law enforcement entities to verify the identity of individuals, a step that was not feasible prior to TWIC implementation, with potentially thousands of different facility-specific credentials, which is why many of us supported—and I strongly support—the TWIC card. I want it to work.

TWIC also allows transportation workers to move among facilities, vessels, and geographic regions as needed for routine demands during emergencies while still maintaining security. In the interest of security and in order to provide proper stewardship of appropriated funds and collected TWIC funds or fees, this legislation was introduced, the Essential Transportation Worker Identification Credential Assessment Act, to really get a better investment for our money.

I am looking forward to a comprehensive assessment that will, in essence, be done by a not-for-profit laboratory and so that the many problems and vulnerabilities that persist in this program can be either eliminated or corrected.

We want to work with our, if you will, our partners, the Coast Guard, the Transportation Security Agency, and many others. As we all know, national security has to be for all of us our highest priority, particularly Members of Congress, and it certainly is for those of us in the Homeland Security Committee.

So I would ask my colleagues, again, to support H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act, and move us closer to completing our commitment after 9/11, which is to make this country the most secure country in the world.

Mr. Speaker, I thank, again, my chairwoman and collaborator, Mrs. MILLER, for her assistance.

Mr. Speaker, I rise in strong support of my bill, H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act.

When Congress enacted the SAFE Ports Act in 2006, we directed the Secretary of Homeland Security to implement a biometric credential program to ensure that individuals with unescorted access to sensitive areas in ports and vessels were vetted and known.

However, we have learned that, as implemented by TSA and the Coast Guard, there are weaknesses in the program.

Indeed, the Government Accountability Office has identified serious shortcomings with the TWIC program, as implemented, that may undermine the program's intended purpose and make it difficult to justify program costs, particularly the costs to workers.

Specifically, GAO's review of the pilot test aimed at assessing the technology and operational impact of using the TWIC with card readers showed that the test's results were incomplete, inaccurate, and unreliable for informing Congress and for developing a regulation about the readers.

GAO found that challenges related to pilot planning, data collection, and reporting affected the completeness, accuracy, and reliability of the pilot results.

GAO determined that these issues call into question the program's premise and effectiveness in enhancing security.

In response, I introduced H.R. 3202, with the support of Subcommittee Chairman MILLER as an original cosponsor, to ensure that Congress receives an independent scientific assessment of the program and to require the Secretary to issue a corrective action plan in response to the assessment.

The required assessment should give Congress the information it needs to determine how best to proceed with the program.

I want to point out that in Committee, language was integrated to ensure that clarified that pending rulemaking would not be impacted by the bill and refined the scope of the assessment we are seeking.

The Department has said that the final rule for biometric readers will be published in January 2015.

There is great interest in that final rule, particularly there is interest in how many ports and vessels will be required to install readers for biometric cards.

If the final rule requires only a limited number of vessels and ports to have biometric readers, as has been previously proposed by the Department, we will certainly need to have a discussion about what this means for the approximately 2 million truckers, longshoremen and port workers who today are required to carry biometric cards to do their jobs.

In closing, I want to express my appreciation to Chairman MILLER for the bipartisan nature of the work on this and all the bills that originate in our Subcommittee and thank you and your staff for their cooperation.

As a Houstonian, I have a special appreciation for what is at stake. We owe it to the men and women that rely on our Nation's ports for their livelihoods to get this right.

With that Mr. Speaker, I yield back the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I certainly want to associate myself with many of the comments that my ranking member on the subcommittee has made in regards to maritime security. It is interesting on Homeland Security, both our subcommittee and the full committee as well, how we do work in a very bipartisan fashion.

Really, the first and foremost responsibility of the Federal Government is to provide for the common defense, whether it's national security or homeland security. With all the issues that are facing our Nation, we think about the potential for terrorist attacks, and this piece of legislation really focusing on the maritime security of our ports throughout our Nation is, I think, so incredibly important, and so I am just delighted that we were finally able to bring it to the floor.

I would certainly, again, urge all my colleagues to support this very strong, very bipartisan piece of legislation, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 3202, the ''Essential Transportation Worker Identification Credential Assessment Act,'' introduced by the Ranking Member of the Committee on Homeland Security's Subcommittee on Border and Maritime, Rep. SHEILA JACKSON LEE.

H.R. 3202 seeks to ensure that Transportation Worker Identification Credential program, as implemented by TSA and the Coast Guard, deliver the security benefits that Congress envisioned in the SAFE Port Act of 2006.

We have worked hard, on a bipartisan basis, to make this program work.

However, as documented in multiple reports on the program produced by the Government Accountability Office, TWIC has not lived up to our expectations.

Meanwhile, working-class Americans whose livelihoods depend on accessing ports and vessels have borne the costs of this troubled program.

Longshoremen, truck drivers, and others are paying hard-earned money for biometric cards that may offer only limited security value.

The bill before us today would require an independent assessment of the TWIC program and mandate the Secretary issue a corrective action plan in response to the assessment.

The required assessment should give Congress the information it needs to determine how best to proceed with the program.

The bill does not, however, delay the long-overdue final rule for deployment of TWIC readers, which is expected to limit significantly the ports required to utilize biometric readers.

If that is the case, and depending on the outcome of the assessment required by the bill, Congress may need to examine whether requiring workers who do not need to access ports with biometric readers should continue to be required to purchase a biometric credential.

For today, I look forward to speedy approval of this bill by the House and hope it will be considered by the Senate and signed by the President in short order.

With that, Mr. Speaker, I urge my colleagues to support H.R. 3202, the ''Essential Transportation Worker Identification Credential Assessment Act.''

Mr. MCCAUL. Mr. Speaker, I rise in support of H.R. 3202, the Essential Transportation Worker Identification Credential Assessment Act. This measure responds to a key recommendation made by the Government Accountability Office, to conduct a security assessment of the effectiveness of the Transportation Worker Identification Credential (TWIC).

The TWIC program is a joint-run program in the Department of Homeland Security between the U.S. Coast Guard and the Transportation Security Administration. The program, which is intended to provide secure access control, uses biometric credentials to limit access to secure areas of ports or vessels only to those individuals that actually need access. Unfortunately, the TWIC program remains incomplete, which has resulted in significant uncertainty for our nation's transportation and maritime industry.

While regulations were in place beginning in 2007 for maritime workers to purchase the biometric credentials, regulations requiring the issuance of card readers remain incomplete, and have been significantly delayed. These delays come despite the issuance of a Notice of Proposed Rulemaking more than a year ago to finally issue biometric readers. However, no final rule has been issued. The significant program delays have resulted in maritime workers having to pay to renew their credentials after five years, despite no biometric readers being required within that timeframe. These delays, coupled with a scathing GAO recommendation calling into question the underlying security value of the TWIC program, raise very serious questions about the future of this program.

It is therefore important that Congress pass this legislation, which is responsive to the GAO's most recent recommendation on the program: an independent security assessment of the TWIC program. It is my hope that the Congress will observe the findings of this assessment, and consider reforming this program, if necessary.

I thank the Chair and Ranking Member of the Border and Maritime Security Subcommittee, Mrs. MILLER of Michigan and Ms. JACKSON-LEE of Texas, for their important oversight and legislative work on this issue.

Ms. JACKSON LEE. Mr. Speaker, as a senior member of the Homeland Security Committee, the Ranking Member of the Border and Maritime Security Subcommittee, and the author of the legislation, I rise in strong and enthusiastic support of H.R. 3202, the ''Essential Transportation Worker Identification Credential Assessment Act.''

The Essential Transportation Worker Identification Credential Assessment Act directs the Secretary of Homeland Security (DHS) to submit to Congress and the Comptroller General (GAO) a comprehensive assessment of the effectiveness of the transportation security card program at enhancing security or reducing security risks for maritime facilities and vessels.

I introduced, H.R. 3202, in response to this GAO TWIC Report on the Weaknesses in the Transportation Worker Identification Credential (TWIC) Reader Pilot program that impacted the accuracy, and reliability of the system.

The GAO report stated that data collection and retention was done in an incomplete and inconsistent manner during the pilot, further undermining the completeness, accuracy, and reliability of the data collected at pilot sites.

Problems identified included by the GAO report included:

Installed TWIC readers and access control systems could not collect required data on TWIC reader use, and TSA and the independent test agent did not employ effective compensating data collection measures.

Reported transaction data did not match underlying documentation.

Pilot documentation did not contain complete TWIC reader and access control system characteristics.

Transportation Security Administration (TSA) and the independent test agent did not record clear baseline data for comparing operational performance at access points with TWIC readers.

TSA and the independent test agent did not collect complete data on malfunctioning TWIC cards.

Pilot participants did not document instances of denied access.

TSA and the independent test agent did not collect consistent data on the operational impact of using TWIC cards with readers.

Pilot site reports did not contain complete information about installed TWIC readers' and access control systems' design.

The seeks to address the problems outlined in the GAO report by directing the Secretary to issue a corrective action plan based on the assessment that responds to the findings of a cost-benefit analysis of the program and enhances security or reduces security risk for such facilities and vessels.

Following the assessment the Comptroller General, within 120 days must: review the extent to which the submissions implement certain recommendations issued by the Comptroller General, and inform Congress as to the responsiveness of the submission.

Prohibits the Secretary from issuing a final rule requiring the use of transportation security card readers until: the Comptroller General informs Congress that the submission is substantially responsive to the GAO recommendations, and the Secretary issues an updated list of transportation security card readers that are compatible with active transportation security cards.

My Congressional District is located in Houston Texas, which is home to one of the world's busiest ports.

The Port of Houston is critical infrastructure:

According to the Department of Commerce in 2012, Texas exports totaled $265 billion.

The Port of Houston is a 25-mile-long complex of diversified public and private facilities located just a few hours' sailing time from the Gulf of Mexico.

In 2012 ship channel-related businesses contribute 1,026,820 jobs and generate more than $178.5 billion in statewide economic impact.

For the past 11 consecutive years, Texas has outpaced the rest of the country in exports.

1st ranked US port in foreign tonnage

2nd ranked US port in total tonnage

7th ranked US container port by total TEUs in 2012

Largest Texas port with 46% of market share by tonnage

Largest Texas container port with 96% market share in containers by total TEUs in 2012

Largest Gulf Coast container port, handling 67% of US Gulf Coast container traffic in 2012

2nd ranked US port in terms of cargo value (based on CBP Customs port definitions)

The Government Accountability Office (GAO), reports that this port, and its waterways, and vessels are part of an economic engine handling more than $700 billion in merchandise annually.

The Port of Houston houses approximately 100 steamship lines offering services that link Houston with 1,053 ports in 203 countries.

The Port of Houston has $15 billion petrochemical complex, the largest in the nation and second largest worldwide.

The bill will address the underlying concerns regarding Transportation Worker Identification Credentials documented by the Government Accountability Office report published in May 2013.

When Congress enacted the SAFE Ports Act in 2006, we directed the Secretary of Homeland Security to implement a biometric credential program to ensure that individuals with unescorted access to sensitive areas in ports and vessels were vetted and known.

However, under the Homeland Security Committee's oversight responsibilities we learned that, as implemented by TSA and the Coast Guard, there are weaknesses in the program.

One of the greatest engines our economy has is the Port of Houston, which hosts a $15 billion petrochemical complex, the largest in the nation and second largest worldwide?

The Port of Houston petrochemical complex supplies over 40 percent of the nation's base petrochemical manufacturing capacity.

What happens at the Port of Houston affects the entire nation.

For this reason, I introduced H.R. 3202, with the support of Subcommittee Chairman MILLER as an original cosponsor, to ensure that Congress receives an independent scientific assessment of the program and to require the Secretary to issue a corrective action plan in response to the assessment.

Indeed, the Government Accountability Office has identified serious shortcomings with the TWIC program, as implemented, that may undermine the program's intended purpose and make it difficult to justify program costs, particularly the costs to workers.

Other considerations for security are in the infrastructure necessary to make sure that there is an ability to electronically check the credential of workers as they enter ports.

The required assessment should give Congress the information it needs to determine how best to proceed with the program.

I want to point out that in Committee, language was integrated to ensure that clarified that pending rulemaking would not be impacted by the bill and refined the scope of the assessment we are seeking.

The Department has said that the final rule for biometric readers will be published in January 2015.

There is great interest in that final rule, particularly there is interest in how many ports and vessels will be required to install readers for biometric cards.

If the final rule requires only a limited number of vessels and ports to have biometric readers, as has been previously proposed by the Department, we will certainly need to have a discussion about what this means for the approximately 2 million truckers, longshoremen and port workers who today are required to carry biometric cards to do their jobs.

BILL BACKGROUND

The nationwide recognition of the Transportation Worker Identification Credential (TWIC) promotes security and standardization.

A common credential enables facility and vessel operators as well as federal, state, local, tribal, and territorial law enforcement entities to verify the identity of individuals—a step that was not feasible prior to TWIC implementation with potentially thousands of different facility-specific credentials.

TWIC also allows transportation workers to move among facilities, vessels, and geographic regions as needed for routine market demands and during emergencies, while still maintaining security.

''In the interest of security and in order to provide proper stewardship of appropriated funds and collected TWIC fees, I introduced legislation to insist that DHS demonstrate how the TWIC Program will improve maritime security.

The Transportation Worker Identification Credential Assessment Act will require the Secretary of Homeland Security to complete and submit to Congress and GAO a comprehensive assessment of the effectiveness of the TWIC Program at enhancing or reducing security risks for maritime facilities and vessels.

The comprehensive assessment will be completed by an independent, not-for-profit laboratory.

Many problems and vulnerabilities persist and will have to be resolved if the TWIC Program is to ever realize the security benefits envisioned by Congress.

I want to express my appreciation to Chairman MILLER for the bipartisan nature of the work on this and all the bills that originate in our Subcommittee and thank you and your staff for their cooperation.

I ask my colleagues on both sides of the aisle to strongly support this bipartisan bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3202, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. GOHMERT. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this motion will be postponed.

UNITED STATES CUSTOMS AND BORDER PROTECTION AUTHORIZATION ACT

Mrs. MILLER of Michigan. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3846) to provide for the authorization of border, maritime, and transportation security responsibilities and functions in the Department of Homeland Security and the establishment of United States Customs and Border Protection, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3846

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''United States Customs and Border Protection Authorization Act''.

SEC. 2. ESTABLISHMENT OF UNITED STATES CUSTOMS AND BORDER PROTECTION.

(a) IN GENERAL.—Section 411 of the Homeland Security Act of 2002 (6 U.S.C. 211) is amended to read as follows:

''SEC. 411. ESTABLISHMENT OF UNITED STATES CUSTOMS AND BORDER PROTECTION; COMMISSIONER, DEPUTY COMMISSIONER, AND OPERATIONAL OFFICES.

''(a) IN GENERAL.—There is established in the Department an agency to be known as United States Customs and Border Protection.

''(b) COMMISSIONER OF UNITED STATES CUSTOMS AND BORDER PROTECTION.—There shall be at the head of United States Customs and Border Protection a Commissioner of United States Customs and Border Protection (in this section referred to as the 'Commissioner'), who shall be appointed by the President, by and with the advice and consent of the Senate.

''(c) DUTIES.—The Commissioner shall—

''(1) ensure the interdiction of persons and goods illegally entering or exiting the United States;

''(2) facilitate and expedite the flow of legitimate travelers and trade;

''(3) detect, respond to, and interdict terrorists, drug smugglers and traffickers, human smugglers and traffickers, and other persons who may undermine the security of the United States, in cases in which such persons are entering, or have recently entered, the United States;

''(4) safeguard the borders of the United States to protect against the entry of dangerous goods;

''(5) oversee the functions of the Office of International Trade established under section 402 of the Security and Accountability for Every Port Act of 2006 (19 U.S.C. 2072; Public Law 109–347);

''(6) enforce and administer all customs laws of the United States, including the Tariff Act of 1930;

''(7) enforce and administer all immigration laws, as such term is defined in paragraph (17) of section 101(a) of the Immigration and Nationality Act (8 U.S.C. 1101(a)), as necessary for the inspection, processing, and admission of persons who seek to enter or depart the United States, and as necessary to ensure the detection, interdiction, removal, departure from the United States, short-term detention, and transfer of persons unlawfully entering, or who have recently unlawfully entered, the United States, in coordination with United States Immigration and Customs Enforcement and United States Citizenship and Immigration Services;

''(8) develop and implement screening and targeting capabilities, including the screening, reviewing, identifying, and prioritizing of passengers and cargo across all international modes of transportation, both inbound and outbound;

''(9) enforce and administer the laws relating to agricultural import and entry inspection referred to in section 421;

''(10) in coordination with the Secretary, deploy technology to collect the data necessary for the Secretary to administer the biometric entry and exit data system pursuant to section 7208 of the Intelligence Reform and Terrorism Prevention Act of 2004 (8 U.S.C. 1365b);

''(11) In coordination with the Under Secretary for Management of the Department, ensure United States Customs and Border Protection complies with Federal law, the Federal Acquisition Regulation, and the Department's acquisition management directives for major acquisition programs of United States Customs and Border Protection;

''(12) enforce and administer—

''(A) the Container Security Initiative program under section 205 of the Security and Accountability for Every Port Act of 2006 (6 U.S.C. 945; Public Law 109–347); and

''(B) the Customs-Trade Partnership Against Terrorism program under sections 211 through 223 of such Act (6 U.S.C. 961-973);

''(13) establish the standard operating procedures described in subsection (k);

''(14) carry out the training required under subsection (l); and

''(15) carry out other duties and powers prescribed by law or delegated by the Secretary.

''(d) DEPUTY COMMISSIONER.—There shall be in United States Customs and Border Protection a Deputy Commissioner who shall assist the Commissioner in the management of United States Customs and Border Protection.

''(e) UNITED STATES BORDER PATROL.—

''(1) IN GENERAL.—There is established in United States Customs and Border Protection the United States Border Patrol.

''(2) CHIEF.—There shall be at the head of the United States Border Patrol a Chief, who shall be a uniformed law enforcement officer chosen from the ranks of the United States Border Patrol and who shall report to the Commissioner.

''(3) DUTIES.—The United States Border Patrol shall—

''(A) serve as the law enforcement office of United States Customs and Border Protection with primary responsibility for interdicting persons attempting to illegally enter or exit the United States or goods being illegally imported to or exported from the United States at a place other than a designated port of entry;

''(B) deter and prevent illegal entry of terrorists, terrorist weapons, persons, and contraband; and

''(C) carry out other duties and powers prescribed by the Commissioner.

''(f) OFFICE OF AIR AND MARINE OPERATIONS.—

''(1) IN GENERAL.—There is established in United States Customs and Border Protection an Office of Air and Marine Operations.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Air and Marine Operations an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of Air and Marine Operations shall—

''(A) serve as the law enforcement office within United States Customs and Border Protection with primary responsibility to detect, interdict, and prevent acts of terrorism and the unlawful movement of people, illicit drugs, and other contraband across the borders of the United States in the air and maritime environment;

''(B) oversee the acquisition, maintenance, and operational use of United States Customs and Border Protection integrated air and marine forces;

''(C) provide aviation and marine support for other Federal, State, and local law enforcement agency needs, as appropriate; and

''(D) carry out other duties and powers prescribed by the Commissioner.

''(g) OFFICE OF FIELD OPERATIONS.—

''(1) IN GENERAL.—There is established in United States Customs and Border Protection an Office of Field Operations.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Field Operations an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of Field Operations shall coordinate the enforcement activities of United States Customs and Border Protection at United States air, land, and sea ports of entry to—

''(A) deter and prevent terrorists and terrorist weapons from entering the United States at such ports of entry;

''(B) conduct inspections at such ports of entry to safeguard the United States from terrorism and illegal entry of persons;

''(C) prevent illicit drugs, agricultural pests, and contraband from entering the United States;

''(D) in coordination with the Commissioner, facilitate and expedite the flow of legitimate travelers and trade;

''(E) administer the National Targeting Center established under paragraph (4); and

''(F) carry out other duties and powers prescribed by the Commissioner.

''(4) NATIONAL TARGETING CENTER.—

''(A) IN GENERAL.—There is established in the Office of Field Operations a National Targeting Center.

''(B) EXECUTIVE DIRECTOR.—There shall be at the head of the National Targeting Center an Executive Director, who shall report to the Assistant Commissioner of the Office of Field Operations.

''(C) DUTIES.—The National Targeting Center shall—

''(i) serve as the primary forum for targeting operations within United States Customs and Border Protection to collect and analyze traveler and cargo information in advance of arrival in the United States;

''(ii) identify, review, and target travelers and cargo for examination;

''(iii) coordinate the examination of entry and exit of travelers and cargo; and

''(iv) carry out other duties and powers prescribed by the Assistant Commissioner.

''(5) ANNUAL REPORT ON STAFFING.—Not later than 30 days after the date of the enactment of this section and annually thereafter, the Assistant Commissioner shall submit to the appropriate congressional committees a report on the staffing model for the Office of Field Operations, including information on how many supervisors, front-line United States Customs and Border Protection officers, and support personnel are assigned to each Field Office and port of entry.

''(h) OFFICE OF INTELLIGENCE AND INVESTIGATIVE LIAISON.—

''(1) IN GENERAL.—There is established in United States Customs and Border Protection an Office of Intelligence and Investigative Liaison.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Intelligence and Investigative Liaison an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of Intelligence and Investigative Liaison shall—

''(A) develop, provide, coordinate, and implement intelligence capabilities into a cohesive intelligence enterprise to support the execution of the United States Customs and Border Protection duties and responsibilities;

''(B) collect and analyze advance traveler and cargo information;

''(C) establish, in coordination with the Chief Intelligence Officer of the Department, as appropriate, intelligence-sharing relationships with Federal, State, local, and tribal agencies and intelligence agencies; and

''(D) carry out other duties and powers prescribed by the Commissioner.

''(i) OFFICE OF INTERNATIONAL AFFAIRS.—

''(1) IN GENERAL.—There is established in United States Customs and Border Protection an Office of International Affairs.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of International Affairs an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of International Affairs, in collaboration with the Office of International Affairs of the Department, shall—

''(A) coordinate and support United States Customs and Border Protection's foreign initiatives, policies, programs, and activities;

''(B) coordinate and support United States Customs and Border Protection's personnel stationed abroad;

''(C) maintain partnerships and information sharing agreements and arrangements with foreign governments, international organizations, and United States agencies in support of United States Customs and Border Protection duties and responsibilities;

''(D) provide necessary capacity building, training, and assistance to foreign border control agencies to strengthen global supply chain and travel security;

''(E) coordinate mission support services to sustain United States Customs and Border Protection's global activities;

''(F) coordinate, in collaboration with the Office of Policy of the Department, as appropriate, United States Customs and Border

Protection's engagement in international negotiations; and

''(G) carry out other duties and powers prescribed by the Commissioner.

''(j) OFFICE OF INTERNAL AFFAIRS.—

''(1) IN GENERAL.—There is established in United States Customs and Border Protection an Office of Internal Affairs.

''(2) ASSISTANT COMMISSIONER.—There shall be at the head of the Office of Internal Affairs an Assistant Commissioner, who shall report to the Commissioner.

''(3) DUTIES.—The Office of Internal Affairs shall—

''(A) investigate criminal and administrative matters and misconduct by officers, agents, and other employees of United States Customs and Border Protection;

''(B) perform investigations of United States Customs and Border Protection applicants and periodic reinvestigations (in accordance with section 3001 of the Intelligence Reform and Terrorism Prevention Act of 2004 (50 U.S.C. 3341; Public Law 108–458)) of officers, agents, and other employees of United States Custom and Border Protection, including investigations to determine suitability for employment and eligibility for access to classified information;

''(C) conduct polygraph examinations in accordance with section 3(1) of the Anti-Border Corruption Act of 2010 (Public Law 111–376);

''(D) perform inspections of United States Customs and Border Protection programs, operations, and offices;

''(E) conduct risk-based covert testing of United States Customs and Border Protection operations, including for nuclear and radiological risks;

''(F) manage integrity of United States Customs and Border Protection counter-intelligence operations, including conduct of counter-intelligence investigations;

''(G) conduct research and analysis regarding misconduct of officers, agents, and other employees of United States Customs and Border Protection; and

''(H) carry out other duties and powers prescribed by the Commissioner.

''(k) STANDARD OPERATING PROCEDURES.—

''(1) IN GENERAL.—The Commissioner shall establish—

''(A) standard operating procedures for searching, reviewing, retaining, and sharing information contained in communication, electronic, or digital devices encountered by United States Customs and Border Protection personnel at United States ports of entry;

''(B) standard use of force procedures officers and agents of United States Customs and Border Protection may employ in the execution of their duties, including the use of deadly force and procedures for deescalating confrontations, where possible;

''(C) a uniform, standardized, and publically-available procedure for processing and investigating complaints against officers, agents, and employees of United States Customs and Border Protection for violations of professional conduct, including the timely disposition of complaints and a written notification to the complainant of the status or outcome, as appropriate, of the related investigation, in accordance with section 552a of title 5, United States Code (commonly referred to as the 'Privacy Act' or the 'Privacy Act of 1974');

''(D) an internal, uniform reporting mechanism regarding incidents involving the use of deadly force by an officer or agent of United States Customs and Border Protection, including an evaluation of the degree to which the procedures required under subparagraph (B) were followed; and

''(E) standard operating procedures, acting through the Assistant Commissioner for Air and Marine Operations and in coordination with the Office of Civil Rights and Civil Liberties and the Office of Privacy of the Department, to provide command, control, communication, surveillance, and reconnaissance assistance through the use of unmanned aerial systems, including the establishment of—

''(i) a process for other Federal, State, and local law enforcement agencies to submit mission requests;

''(ii) a formal procedure to determine whether to approve or deny such a mission request;

''(iii) a formal procedure to determine how such mission requests are prioritized and coordinated;

''(iv) a process for establishing agreements with other Federal, State, and local law enforcement agencies regarding reimbursement for such mission costs; and

''(v) a process regarding the protection and privacy of data and images collected by United States Customs and Border Protection through the use of unmanned aerial systems.

''(2) REQUIREMENTS REGARDING CERTAIN NOTIFICATIONS.—The standard operating procedures established pursuant to subparagraph (A) of paragraph (1) shall require—

''(A) in the case of a search of information conducted on an electronic device by United States Customs and Border Protection personnel, the Commissioner to notify the individual subject to such search of the purpose and authority for such search, and how such individual may obtain information on reporting concerns about such search; and

''(B) in the case of information collected by United States Customs and Border Protection through a search of an electronic device, if such information is transmitted to another Federal agency for subject matter assistance, translation, or decryption, the Commissioner to notify the individual subject to such search of such transmission.

''(3) EXCEPTIONS.—

''(A) IN GENERAL.—The Commissioner may withhold the notifications required under paragraphs (1)(C) and (2) if the Commissioner determines that such notifications would impair national security, law enforcement, or other operational interests.

''(B) TERRORIST WATCH LISTS.—

''(i) SEARCHES.—If the individual subject to search of an electronic device pursuant to subparagraph (A) of paragraph (1) is included on a Government-operated or Government-maintained terrorist watch list, the notifications required under paragraph (2) shall not apply.

''(ii) COMPLAINTS.—If the complainant using the process established under subparagraph (C) of paragraph (1) is included on a Government-operated or Government-maintained terrorist watch list, the notification required under such subparagraph shall not apply.

''(4) UPDATE AND REVIEW.—The Commissioner shall review and update every three years the standard operating procedures required under this subsection.

''(5) AUDITS.—The Inspector General of the Department of Homeland Security shall develop and annually administer an auditing mechanism to review whether searches of electronic devices at or between United States ports of entry are being conducted in conformity with the standard operating procedures required under subparagraph (A) of paragraph (1). Such audits shall be submitted to the appropriate congressional committees and shall include the following:

''(A) A description of the activities of officers and agents of United States Customs and Border Protection with respect to such searches.

''(B) The number of such searches.

''(C) The number of instances in which information contained in such devices that were subjected to such searches was retained, copied, shared, or entered in an electronic database.

''(D) The number of such devices detained as the result of such searches.

''(E) The number of instances in which information collected from such device was subjected to such searches was transmitted to a another Federal agency, including whether such transmission resulted in a prosecution or conviction.

''(6) REQUIREMENTS REGARDING OTHER NOTIFICATIONS.—The standard operating procedures established pursuant to subparagraph (B) of paragraph (1) shall require—

''(A) in the case of an incident of the use of deadly force by United States Customs and Border Protection personnel, the Commissioner to notify the appropriate congressional committees; and

''(B) the Commissioner to provide to such committees a copy of the evaluation pursuant to subparagraph (D) of such paragraph not later than 30 days after completion of such evaluation.

''(6) REPORT ON UNMANNED AERIAL SYSTEMS.—The Commissioner shall submit to the appropriate congressional committees an annual report that reviews whether the use of unmanned aerial systems are being conducted in conformity with the standard operating procedures required under subparagraph (E) of paragraph (1). Such reports—

''(A) shall be submitted with the President's annual budget;

''(B) may be submitted in classified form if the Commissioner determines that such is appropriate, and

''(C) shall include—

''(i) a detailed description of how, where, and for how long data and images collected through the use of unmanned aerial systems by United States Customs and Border Protection is collected and stored; and

''(ii) a list of Federal, State, and local law enforcement agencies that submitted mission requests in the previous year and the disposition of such requests.

''(l) TRAINING.—

''(1) IN GENERAL.—The Commissioner shall require all agents and officers of United States Customs and Border Protection to participate in a specified amount of continuing education (to be determined by the Commissioner) to maintain an understanding of Federal legal rulings, court decisions, and departmental policies, procedures, and guidelines.

''(2) ENSURING TRAINING.—Not later than 90 days after the date of the enactment of this section, the Commissioner shall develop a database system that identifies for each United States Customs and Border Protection officer or agent, by port of entry or station—

''(A) for each training course, the average time allocated during on-duty hours within which training must be completed;

''(B) for each training course offered, the duration of training and the average amount of time an officer must be absent from work to complete such training course; and

''(C) certification of each training course by a supervising officer that the officer is able to carry out the function for which the training was provided, and if training has been postponed, the basis for postponing such training.

''(3) USE OF DATA.—The Commissioner shall use the information developed under paragraph (2) to—

''(A) develop training requirements for United States Customs and Border Protection officers to ensure that such officers have sufficient training to conduct primary

and secondary inspections at Untied States ports of entry; and

''(B) measure progress toward achieving the training requirements referred to in subparagraph (A).

''(m) SHORT TERM DETENTION STANDARDS.—

''(1) ACCESS TO FOOD AND WATER.—The Commissioner shall make every effort to ensure that adequate access to food and water is provided to an individual apprehended and detained by a United States Border Patrol agent between a United States port of entry as soon as practicable following the time of such apprehension or during subsequent short term detention.

''(2) ACCESS TO INFORMATION ON DETAINEE RIGHTS AT BORDER PATROL PROCESSING CENTERS.—

''(A) IN GENERAL.—The Commissioner shall ensure that an individual apprehended by a United States Border Patrol agent is provided with information concerning such individual's rights, including the right to contact a representative of such individual's government for purposes of United States treaty obligations.

''(B) FORM.—The information referred to in subparagraph (A) may be provided either verbally or in writing, and shall be posted in the detention holding cell in which such individual is being held. The information shall be provided in a language understandable to such individual.

''(3) DAYTIME REPATRIATION.—When practicable, repatriations shall be limited to daylight hours and avoid locations that are determined to have high indices of crime and violence.

''(4) SHORT TERM DETENTION DEFINED.—In this subsection, the term 'short term detention' means detention in a United States Border Patrol processing center for 72 hours or less, before repatriation to a country of nationality or last habitual residence.

''(5) REPORT ON PROCUREMENT PROCESS AND STANDARDS.—Not later than 180 days after the date of the enactment of this section, the Comptroller General of the United States shall submit to the appropriate congressional committees a report on the procurement process and standards of entities with which United States Customs and Border Protection has contracts for the transportation and detention of individuals apprehended by agents or officers of United States Customs and Border Protection. Such report should also consider the operational efficiency of contracting the transportation and detention of such individuals.

''(6) REPORT ON INSPECTIONS OF SHORT-TERM CUSTODY FACILITIES.—The Commissioner shall—

''(A) annually inspect all facilities utilized for short term detention; and

''(B) make publically available information collected pursuant to such inspections, including information regarding the requirements under paragraphs (1) and (2) and, where appropriate, issue recommendations to improve the conditions of such facilities.

''(n) WAIT TIMES TRANSPARENCY.—

''(1) IN GENERAL.—The Commissioner shall—

''(A) publish live wait times at the 20 United States airports that support the highest volume of international travel (as determined by available Federal flight data);

''(B) make information about such wait times available to the public in real time through the United States Customs and Border Protection Web site;

''(C) submit to the appropriate congressional committees quarterly reports that include compilations of all such wait times and a ranking of such United States airports by wait times; and

''(D) provide adequate staffing at the United States Customs and Border Protection information center to ensure timely access for travelers attempting to submit comments or speak with a representative about their entry experiences.

''(2) CALCULATION.—The wait times referred to in paragraph (1)(A) shall be determined by calculating the time elapsed between an individual's entry into the United States Customs and Border Protection inspection area and such individual's clearance by a United States Customs and Border Protection officer.

''(o) OTHER AUTHORITIES.—

''(1) IN GENERAL.—The Secretary may establish such other offices or Assistant Commissioners (or other similar officers or officials) as the Secretary determines necessary to carry out the missions, duties, functions, and authorities of United States Customs and Border Protection.

''(2) NOTIFICATION.—If the Secretary exercises the authority provided pursuant to paragraph (1), the Secretary shall notify the appropriate congressional committees not later than 30 days before exercising such authority.

''(p) OTHER FEDERAL AGENCIES.—Nothing in this section may be construed as affecting in any manner the existing authority of any other Federal agency, including the Transportation Security Administration with respect to the duties of United States Customs and Border Protection described in subsection (c).''.

(b) SPECIAL RULES.—

(1) TREATMENT.—Section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section, shall be treated as if included in such Act as of the date of the enactment of such Act, and, in addition to the functions, missions, duties, and authorities specified in such amended section 411, United States Customs and Border Protection shall continue to perform and carry out the functions, missions, duties, and authorities under section 411 of such Act as in existence on the day before such date of enactment, and section 415 of such Act.

(2) RULES OF CONSTRUCTION.—

(A) RULES AND REGULATIONS.—Notwithstanding paragraph (1), nothing in this Act may be construed as affecting in any manner any rule or regulation issued or promulgated pursuant to any provision of law, including section 411 of the Homeland Security Act of 2002 as in existence on the day before the date of the enactment of this Act, and any such rule or regulation shall continue to have full force and effect on and after such date.

(B) OTHER ACTIONS.—Notwithstanding paragraph (1), nothing in this Act may be construed as affecting in any manner any action, determination, policy, or decision pursuant to section 411 of the Homeland Security Act of 2002 as in existence on the day before the date of the enactment of this Act, and any such action, determination, policy, or decision shall continue to have full force and effect on and after such date.

(c) CONTINUATION IN OFFICE.—

(1) COMMISSIONER.—The individual serving as the Commissioner of Customs on the day before the date of the enactment of this Act may serve as the Commissioner of United States Customs and Border Protection on and after such date of enactment until a Commissioner of United States Customs and Border Protection is appointed under section 411 of the Homeland Security Act of 2002, as amended by subsection (a) of this section.

(2) OTHER POSITIONS.—The individuals serving as Assistant Commissioners and other officers and officials under section 411 of the Homeland Security Act of 2002 on the day before the date of the enactment of this Act may serve as the appropriate Assistant Commissioners and other officers and officials under such section 411 as amended by subsection (a) of this section unless the Commissioner of United States Customs and Border Protection determines that another individual should hold such position or positions.

(d) REFERENCE.—

(1) TITLE 5.—Section 5314 of title 5, United States Code, is amended by striking ''Commissioner of Customs, Department of Homeland Security'' and inserting ''Commissioner of United States Customs and Border Protection, Department of Homeland Security''.

(2) OTHER REFERENCES.—On and after the date of the enactment of this Act, any reference in law or regulations to the ''Commissioner of Customs'' or the ''Commissioner of the Customs Service'' shall be deemed to be a reference to the Commissioner of United States Customs and Border Protection.

(e) CLERICAL AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended by striking the item relating to section 411 and inserting the following new item:

''Sec. 411. Establishment of United States Customs and Border Protection; Commissioner, Deputy Commissioner, and operational offices.''.

SEC. 3. REPEALS.

Sections 416, 418, and 443 of the Homeland Security Act of 2002 (6 U.S.C. 216, 218, and 253), and the items relating to such sections in the table of contents in section 1(b) of such Act, are repealed.

SEC. 4. CLERICAL AND CONFORMING AMENDMENTS.

(a) IN GENERAL.—The Homeland Security Act of 2002 (6 U.S.C. 101 et seq.) is amended—

(1) in title I—

(A) in section 102(f)(10) (6 U.S.C. 112(f)(10)), by striking ''the Directorate of Border and Transportation Security'' and inserting ''Commissioner of United States Customs and Border Protection''; and

(B) in section 103(a)(1) (6 U.S.C. 113(a)(1))—

(i) in subparagraph (C), by striking ''An Under Secretary for Border and Transportation Security.'' and inserting ''A Commissioner of United States Customs and Border Protection.''; and

(ii) in subparagraph (G), by striking ''A Director of the Office of Counternarcotics Enforcement.'' and inserting ''A Director for United States Immigration and Customs Enforcement.'';

(2) in title IV—

(A) by striking the title heading and inserting ''**BORDER, MARITIME, AND TRANSPORTATION SECURITY**''; and

(B) in subtitle A—

(i) by striking the subtitle heading and inserting ''**Border, Maritime, and Transportation Security Responsibilities and Functions**''; and

(ii) in section 402 (6 U.S.C. 202)—

(I) in the section heading, by striking ''**RESPONSIBILITIES**'' and inserting ''**BORDER, MARITIME, AND TRANSPORTATION RESPONSIBILITIES**''; and

(II) by striking '', acting through the Under Secretary for Border and Transportation Security,'';

(C) in subtitle B—

(i) by striking the subtitle heading and inserting ''**United States Customs and Border Protection**'';

(ii) in section 412(b) (6 U.S.C. 212), by striking ''United States Customs Service'' each place it appears and inserting ''United States Customs and Border Protection'';

(iii) in section 413 (6 U.S.C. 213), by striking ''available to the United States Customs Service or'';

(iv) in section 414 (6 U.S.C. 214), by striking ''United States Customs Service'' and inserting ''United States Customs and Border Protection''; and

(v) in section 415 (6 U.S.C. 215)—

(I) in paragraph (7), by inserting before the colon the following: '', and of United States Customs and Border Protection on the day before the effective date of the United States Customs and Border Protection Authorization Act''; and

(II) in paragraph (8), by inserting before the colon the following: '', and of United States Customs and Border Protection on the day before the effective date of the United States Customs and Border Protection Authorization Act'';

(D) in subtitle C—

(i) by striking section 424 (6 U.S.C. 234) and inserting the following new section:

''SEC. 424. PRESERVATION OF TRANSPORTATION SECURITY ADMINISTRATION AS A DISTINCT ENTITY.

''Notwithstanding any other provision of this Act, the Transportation Security Administration shall be maintained as a distinct entity within the Department.''; and

(ii) in section 430 (6 U.S.C. 238)—

(I) by amending subsection (a) to read as follows:

''(a) ESTABLISHMENT.—There is established in the Department an Office for Domestic Preparedness.'';

(II) in subsection (b), by striking the second sentence; and

(III) in subsection (c)(7), by striking ''Directorate'' and inserting ''Department''; and

(E) in subtitle D—

(i) in section 441 (6 U.S.C. 251)—

(I) by striking the section heading and inserting ''**TRANSFER OF FUNCTIONS**''; and

(II) by striking ''Under Secretary for Border and Transportation Security'' and inserting ''Secretary''; and

(ii) by amending section 444 (6 U.S.C. 254) to read as follows:

''SEC. 444. EMPLOYEE DISCIPLINE.

''Notwithstanding any other provision of law, the Secretary may impose disciplinary action on any employee of United States Immigration and Customs Enforcement and United States Customs and Border Protection who willfully deceives Congress or agency leadership on any matter.''.

(b) CONFORMING AMENDMENTS.—Section 401 of the Homeland Security Act of 2002 (6 U.S.C. 201) is repealed.

(c) CLERICAL AMENDMENTS.—The table of contents in section 1(b) of the Homeland Security Act of 2002 is amended—

(1) by striking the item relating to title IV and inserting the following:

''TITLE IV—BORDER, MARITIME, AND TRANSPORTATION SECURITY'';

(2) by striking the item relating to subtitle A of title IV and inserting the following:

''Subtitle A—Border, Maritime, and Transportation Security Responsibilities and Functions'';

(3) by striking the item relating to section 401;

(4) by striking the item relating to subtitle B of title IV and inserting the following:

''Subtitle B—United States Customs and Border Protection'';

(5) by striking the item relating to section 441 and inserting the following:

''Sec. 441. Transfer of functions.''; and

(6) by striking the item relating to section 442 and inserting the following:

''Sec. 442. United States Immigration and Customs Enforcement.''.

SEC. 5. REPORTS AND ASSESSMENTS.

(a) REPORT ON CONTRACT MANAGEMENT ACQUISITION AND PROCUREMENT PERSONNEL.—Not later than 60 days after the date of the enactment of this Act and biennially thereafter, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(1) the number of contract management acquisition and procurement personnel assigned to the Office of Technology Innovation and Acquisition (or successor office) of United States Customs and Border Protection, categorized by position;

(2) the average aggregate value of the contracts each contract officer, contract specialist, and contract officer representative employee is responsible for managing; and

(3) the number of additional acquisition and procurement personnel, categorized by position, and contract management specialists United States Customs and Border Protection would need to ensure compliance with Federal acquisition standards, departmental management directives, and United States Customs and Border Protection contracting needs.

(b) REPORT ON MIGRANT DEATHS.—Not later 180 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall, to the extent practicable, make publically available information that the United States Border Patrol has collected on migrant deaths occurring along the United States-Mexico border, including information on the following:

(1) The number of documented migrant deaths.

(2) The location where such migrant deaths occurred.

(3) To the extent possible, the cause of death for each migrant.

(4) The extent to which border technology, physical barriers, and enforcement programs have contributed to such migrant deaths.

(5) A description of United States Customs and Border Protection programs or plans to reduce the number of migrant deaths along the border, including an assessment on the effectiveness of water supply sites and rescue beacons.

(c) REPORT ON BUSINESS TRANSFORMATION INITIATIVE.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security and the Committee on Ways and Means of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Finance of the Senate a report on United States Customs and Border Protection's Business Transformation Initiative, including locations where the Initiative is deployed, the types of equipment utilized, a description of protocols and procedures, information on wait times at such locations since deployment, and information regarding the schedule for deployment at new locations.

(d) REPORT ON UNACCOMPANIED ALIEN CHILDREN APPREHENDED AT THE BORDER.—Not later than 90 days after the date of the enactment of this Act and annually thereafter, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on unaccompanied alien children apprehended at the borders of the United States. Such report shall include the following:

(1) Information on the number, nationality, age, and location of the apprehensions of such unaccompanied alien children in the current fiscal year and for each of the three prior fiscal years.

(2) The average length of time an unaccompanied alien child is in the custody of United States Customs and Border Protection before being transferred to the custody of another Federal agency in the current fiscal year and for each of three prior fiscal years.

(3) A description of current and planned activities to discourage efforts to bring unaccompanied alien children to the United States without authorization.

(4) A description of training provided to officers and agents of United States Customs and Border Protection regarding unaccompanied alien children, including the number of such officers and agents who are so trained.

(5) An assessment of the existing officers, agents, and resources of United States Customs and Border Protection being utilized to address unaccompanied alien children.

(6) An assessment of whether current facilities utilized by United States Customs and Border Protection to house unaccompanied alien children are adequate to comply with all applicable laws, regulations, and standards regarding housing, feeding, and providing medical care for such children.

(7) An identification and assessment of the factors causing unaccompanied alien children to migrate to the United States, including an assessment of how perceptions of enforcement policies and economic and social conditions, including incidents of violence, in countries of origin or last habitual residence may be attributed to a rise in attempted entries into the United States.

(8) Information on United States Border Patrol resources spent to care for unaccompanied alien children in the custody of the United States Border Patrol, including the number of United States Border Patrol agents assigned to care for unaccompanied alien children.

(9) Future estimates of Department of Homeland Security resources needed to care for expected increases in unaccompanied alien children.

(10) An identification of any operational or policy challenges impacting the Department of Homeland Security as a result of any expected increase in unaccompanied alien children.

(11) Information on any additional resources necessary to carry out United States Customs and Border Protection's responsibilities with respect to unaccompanied alien children.

(e) PORT OF ENTRY INFRASTRUCTURE NEEDS ASSESSMENTS.—Not later 180 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall assess the physical infrastructure and technology needs at the 20 busiest land ports of entry (as measured by United States Customs and Border Protection) with a particular attention to identify ways to—

(1) improve travel and trade facilitation;

(2) reduce wait times;

(3) improve physical infrastructure and conditions for individuals accessing pedestrian ports of entry;

(4) enter into long-term leases with nongovernmental and private sector entities;

(5) enter into lease-purchase agreements with nongovernmental and private sector entities; and

(6) achieve cost savings through leases described in paragraphs (4) and (5).

(f) UNMANNED AERIAL SYSTEMS STRATEGY.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of

the Senate a strategy for its Unmanned Aerial Systems program. Such strategy shall include, at a minimum, the following:

(1) The mission and goals of such program.

(2) The expected level of unmanned aerial systems operations.

(3) The funding and anticipated stakeholder needs and resource requirements of such program.

(g) REPORT ON BIOMETRIC EXIT DATA CAPABILITY AT AIRPORTS.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the efforts of United States Customs and Border Protection, in conjunction with the Directorate Science and Technology of the Department of Homeland Security, to evaluate technologies to provide a biometric exit capability at airports. Such report shall include the technologies tested, the results of such tests to date, plans for any future testing, and a schedule of anticipated deployment of those or other technologies.

(h) CBP OFFICER TRAINING.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the current capacity of United States Customs and Border Protection to hire, train, and deploy additional United States Customs and Border Protection officers, including an assessment of any additional resources necessary to hire, train, and deploy United States Customs and Border Protection officers to meet staffing needs, as identified by the United States Customs and Border Protection staffing model.

(i) REPORT ON THE SECURITY OF UNITED STATES INTERNATIONAL BORDERS.—Not later than 180 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall develop and implement specific metrics for measuring the status of security of United States international borders at and between ports of entry, including measuring the effectiveness of current border security resource allocations uniformly across all United States Customs and Border Protection sectors, informed by input from individuals and relevant stakeholders who live and work near such borders, and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on such metrics and such status.

(j) PERSONAL SEARCHES.—Not later than 90 days after the date of the enactment of this Act, the Commissioner of United States Customs and Border Protection shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on supervisor-approved personal searches conducted in the previous year by United States Customs and Border Protection personnel. Such report shall include the number of personal searches conducted in each sector and field office, the number of invasive personal searches conducted in each sector and field office, whether personal searches were conducted by Office of Field Operations or United States Border Patrol personnel, and how many personal searches resulted in the discovery of contraband.

SEC. 6. INTERNATIONAL INITIATIVES.

(a) NORTH AND CENTRAL AMERICAN BORDER SECURITY COOPERATION INITIATIVE.—The Secretary of Homeland Security, in coordination with the Secretary of State, shall engage with the appropriate officials of the Government of Canada and the Government of Mexico to assess the specific needs of the countries of Central America to maintain the security of the international borders of such countries and determine the support needed by such countries from the United States, Canada, and Mexico, to meet such needs.

(b) CARIBBEAN COOPERATION INITIATIVE.—The Secretary of Homeland Security, in coordination with the Secretary of State, shall engage with appropriate officials of the governments of the countries of the Caribbean to establish a program to assess the specific needs of such countries to address the unique challenges of maritime border security.

(c) MEXICO'S SOUTHERN BORDER SECURITY INITIATIVE.—The Secretary of Homeland Security, in coordination with the Secretary of State, shall engage with appropriate officials of the Government of Mexico to assess the specific needs to help secure Mexico's southern border from undocumented aliens, drugs, weapons and other contraband.

(d) REPORTING.—The Secretary of Homeland Security shall submit to the Committee on Homeland Security and the Committee on Foreign Affairs of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Foreign Relations of the Senate a report on the assessment of needs carried out under this section.

SEC. 7. TREATMENT OF CERTAIN APPLICATIONS FOR PORT OF ENTRY STATUS.

The Commissioner of United States Customs and Border Protection shall give priority consideration to an application for port of entry status submitted by any commercial airport if such airport served at least 100,000 deplaned international passengers in the previous calendar year.

SEC. 8. TRUSTED TRAVELER PROGRAMS.

The Secretary of Homeland Security may not enter into or renew an agreement with the government of a foreign country for a trusted traveler program administered by United States Customs and Border Protection unless the Secretary certifies in writing that such government—

(1) routinely submits to INTEPOL for inclusion in INTERPOL's Stolen and Lost Travel Documents database information about lost and stolen passports and travel documents of the citizens and nationals of such country; or

(2) makes available to the United States Government the information described in paragraph (1) through another means of reporting.

SEC. 9. SENSE OF CONGRESS REGARDING THE FOREIGN LANGUAGE AWARD PROGRAM.

(a) FINDINGS.—Congress finds the following:

(1) Congress established the Foreign Language Award Program (FLAP) to incentivize employees at United States ports of entry to utilize their foreign language skills on the job by providing a financial incentive for the use of the foreign language for at least ten percent of their duties after passage of competency tests. FLAP incentivizes the use of more than two dozen languages and has been instrumental in identifying and utilizing United States Customs and Border Protection officers and agents who are proficient in a foreign language.

(2) In 1993, Congress provided for dedicated funding for this program by stipulating that certain fees collected by United States Customs and Border Protection to fund FLAP.

(3) Through FLAP, foreign travelers are aided by having an officer at a port of entry who speaks their language, and United States Customs and Border Protection benefits by being able to focus its border security efforts in a more effective manner.

(b) SENSE OF CONGRESS.—It is the sense of Congress that FLAP incentivizes United States Customs and Border Protection officers and agents to attain and maintain competency in a foreign language, thereby improving the efficiency of operations for the functioning of United States Customs and Border Protection's security mission, making the United States a more welcoming place when foreign travelers find officers can communicate in their language, and helping to expedite traveler processing to reduce wait times.

SEC. 10. PROHIBITION ON NEW APPROPRIATIONS.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act, and this Act and such amendments shall be carried out using amounts otherwise made available for such purposes.

The SPEAKER pro tempore. Pursuant to the rule, the gentlewoman from Michigan (Mrs. MILLER) and the gentlewoman from Texas (Ms. JACKSON LEE) each will control 20 minutes.

The Chair recognizes the gentlewoman from Michigan.

□ 1615

GENERAL LEAVE

Mrs. MILLER of Michigan. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and to include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentlewoman from Michigan?

There was no objection.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I rise in support of H.R. 3846, the United States Customs and Border Protection Authorization Act, and I certainly want to thank my colleagues, the chairman of the full Homeland Security Committee, Mr. MCCAUL, and the ranking member, Mr. THOMPSON, and my ranking member on the subcommittee, Ms. JACKSON LEE.

The Homeland Security Committee has a strong history of collaboration and bipartisanship, and I think this bill illustrates our ability to find consensus as we work to strengthen the homeland.

This is a very important day not only for the men and women of Customs and Border Protection, CBP, but also for the U.S. House of Representatives. This past week actually marks the 10-year anniversary of the release of the 9/11 Commission's recommendations to Congress. While most of these recommendations were implemented, unfortunately, several remained unfulfilled or incomplete.

Among one of the most important incomplete recommendations was for Congress to create a single, principal point of oversight and review for homeland security. The fractured jurisdiction over the Department of Homeland

Security has certainly limited Congress' ability to provide effective guidance to the third largest agency in the Federal Government. In the 10 years since the Department was created, it has never had a comprehensive reauthorization; and, as a result, components such as Customs and Border Protection have never been authorized in statute since being transferred to the Department of Homeland Security through the Homeland Security Act of 2002.

While there remain several committees with overlapping oversight of the Department of Homeland Security, I believe this legislation that is on the floor today is a testament that this body can still work together to fulfill Congress' primary responsibilities under the Constitution.

As I mentioned, CBP, with more than 44,000 law enforcement officers and agents, has never been formally authorized in statute. As a result, CBP operates on devolved authority granted to the Secretary of Homeland Security and on guidance provided by Congress through annual appropriation bills rather than from specific authority accorded to the component by its authorizers.

H.R. 3846, the United States Customs and Border Protection Authorization Act, is the first attempt by Congress since the passage of the Homeland Security Act of 2002 and the creation of the Department of Homeland Security to clearly delineate the current authorities and responsibilities of the largest Federal law enforcement entity in our Nation. The fact that this agency has been operating for as long as they have without a clear statutory mandate from Congress and the American people certainly is a problem that needs to be corrected.

The Homeland Security Act, when passed nearly 12 years ago, was sort of a snapshot in time that reflects the choices made by Congress to quickly cobble together 22 agencies. Now is the time to update the statute and make changes where necessary to reflect the current security missions of the Department within CBP, which have significantly evolved over the last decade.

For example, after DHS was created, most of the authority for the work CBP currently performs was vested in a position called the Under Secretary of Border and Transportation Security. And if you haven't heard of it lately, it is because it was eliminated by then-Secretary Chertoff in 2005. Nonetheless, the position remains in law. I use that as an example.

So this bill is a first step in fixing outdated provisions from the source legislation that created the Department. Congress has the responsibility to give the Department of Homeland Security and its components the necessary direction through the regular authorization process, and this measure is a very important first step in doing so.

This bill provides a basic outline of the missions and responsibilities that we give to the Commissioner of CBP and its subcomponents—such as the Office of Field Operations, the United States Border Patrol, the Office of Air and Marine Operations, the Office of Intelligence and Investigative Liaison, and the Office of International Affairs—so they know what this Congress expects.

In addition to fixing the outdated provisions in the law, this legislation goes a long way in ensuring transparency and oversight in CBP. This bill also contains strong accountability measures to ensure that agents and officers respect civil rights, civil liberties and use force policies, especially with regard to the use of deadly force.

With the ongoing crisis of unaccompanied children crossing the border in ever-increasing numbers, making sure that we understand the root causes of the surge is vitally important as well. This bill includes a provision that takes a very hard look at why these children are coming so that we can provide the men and women of the Border Patrol and CBP the tools to stem the tide.

Issues like the recent surge remind us of why we need to continually update the authorities of key law enforcement agencies within the Department of Homeland Security. CBP's mission continues to change, and this Congress has a duty to give our officers and the agents proper authorities to carry out their important work.

Finally, I want to commend the work and the assistance of CBP and the Department of Homeland Security over the past 2 years since we have started the intricate task of cleaning up the Homeland Security Act. Their assistance really helped to make this bill much better.

I urge my colleagues, Mr. Speaker, to support this good government, commonsense legislation.

I reserve the balance of my time.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON WAYS AND MEANS,
Washington, DC, June 26, 2014.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN MCCAUL: I am writing concerning H.R. 3846, the ''United States Customs and Border Protection Authorization Act of 2014,'' which was favorably reported out of your Committee on June 11, 2014.

Given that numerous provisions in the bill are within the jurisdiction of the Committee on Ways and Means, I appreciate that you have addressed these provisions in response to the Committee's concerns. As a result, in order to expedite floor consideration of the bill, the Committee on Ways and Means will forego action on H.R. 3846. This is also being done with the understanding that it does not in any way prejudice the Committee with respect to the appointment of conferees or its jurisdictional prerogatives on this or similar legislation.

I would appreciate your response to this letter, confirming this understanding with respect to H.R. 3846, and would ask that a copy of our exchange of letters on this matter be included in the Congressional Record during Floor consideration.

Sincerely,

DAVE CAMP,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, June 30, 2014.

Hon. DAVE CAMP,
Chairman, Committee on Ways and Means, Washington, DC.

DEAR CHAIRMAN CAMP: Thank you for your letter regarding H.R. 3846, the ''United States Customs and Border Protection Authorization Act of 2014.'' I acknowledge that by forgoing action on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Ways and Means with respect to its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation.

I will include our letters in the report accompanying H.R. 3846 and in the Congressional Record during consideration of this measure on the floor. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Ways and Means as the bill moves through the legislative process.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON THE JUDICIARY,
Washington, DC, July 24, 2014.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN MCCAUL: I am writing concerning H.R. 3846, the ''United States Customs and Border Protection Authorization Act,'' which your Committee ordered reported on June 11, 2014.

As a result of your having consulted with the Committee on the provisions in our jurisdiction and in order to expedite the House's consideration of H.R. 3846, the Committee on the Judiciary will not assert a jurisdictional claim over this bill by seeking a sequential referral. However, this is conditional on our mutual understanding and agreement that doing so will in no way diminish or alter the jurisdiction of the Committee on the Judiciary with respect to the appointment of conferees or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Committee Report and in the Congressional Record during the floor consideration of this bill.

Sincerely,

BOB GOODLATTE,
Chairman.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 24, 2014.

Hon. BOB GOODLATTE,
Chairman, Committee on the Judiciary, Washington, DC.

DEAR CHAIRMAN GOODLATTE: Thank you for your letter regarding the Committee on the Judiciary's jurisdictional interest in H.R. 3846, the ''United States Customs and Border Protection Authorization Act.'' I acknowledge that by foregoing a sequential referral on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on the Judiciary with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would

support your effort to seek an appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

Finally, I will include your letter and this response in the Congressional Record during consideration of this bill on the House floor. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on the Judiciary as H.R. 3846 moves through the legislative process.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

Ms. JACKSON LEE. I yield myself such time as I may consume.

I rise in strong support of H.R. 3846, the United States Customs and Border Protection Authorization Act.

Mr. Speaker, I am a proud original cosponsor of the bill sponsored by my subcommittee chairman, the gentlewoman from Michigan (Mrs. MILLER). We are working throughout this Congress in a bipartisan manner, and it seems that our particular subcommittee has been particularly energized by a number of issues that have come to the attention of the American people.

This is an authorization bill that is long overdue. U.S. Customs and Border Protection is among the largest and most significant of the Department of Homeland Security's components. CBP is charged with ensuring the security of America's borders while facilitating legitimate trade and travel.

I want to take a moment, Mr. Speaker, to just offer my appreciation for the hardworking men and women that come under CBP. They are on the border. They are on the northern and southern borders. They are in our ports, both airports and seaports, and so I think it is appropriate for us to take a moment and express our appreciation.

Might I also, just as another aside, express my appreciation for the transportation security work of the TSOs. As we were working on their issues, we lost one of our very brave agents in the last year. All of them should be appreciated.

Again, despite the essential nature of CBP's mission, it has not been authorized in law since the recognition of the Department of Homeland Security announced by Secretary of Homeland Security Michael Chertoff 9 years ago this month. It is imperative that CBP is authorized in law to ensure that Congress can conduct proper oversight of the agency and its programs. This legislation does just that.

I am very pleased to have been part of crafting legislation that really responds to an important need: giving the guidelines and infrastructure and structure to make sure that we have a security arm of the DHS that really works, that we appreciate, and that has a guideline to operate effectively. I am pleased that the bill includes several amendments offered by Democratic members during consideration by the Homeland Security Committee.

Again, I want to thank Chairman MCCAUL and Ranking Member THOMPSON of the full committee for their bipartisan efforts, working with Chairman MILLER and myself on this legislation.

I was particularly pleased that the committee accepted an amendment I offered to help address the recent surge in the number of unaccompanied children entering the U.S. at increasingly younger ages, particularly in my home State of Texas. Let me be very clear: this is a humanitarian crisis and an issue that I think we are finding our way forward on, and I hope as we are passing this legislation, we will also pass the emergency supplemental that is needed for this issue and many others. This issue requires immediate attention from Congress given that the welfare of so many children is at stake.

I am also pleased that, during committee consideration, an amendment offered by the gentlewoman from California (Ms. SANCHEZ) was adopted to enhance CBP's oversight of an adherence to short-term detention standards at these facilities. While these facilities are not intended to house individuals for long-term immigration detention, it is imperative that basic standards are adhered to in order to ensure the health and well-being of people, including children in CBP custody.

So many of us have gone to the border in years past. I have been in many detention facilities over the years as I have served on this committee. We know that standards are important for whatever facility that we have. Whether they are detention facilities for adults who are coming across illegally or other resources that are needed, we must have a standard.

I am also pleased that the committee accepted an amendment offered by the gentleman from California (Mr. SWALWELL) stating that CBP may not enter into or renew a Trusted Traveler Program agreement with a foreign government unless that government reports lost and stolen passport data to Interpol. We know that passengers on Malaysia Airlines Flight 370 were traveling on stolen passports, and that enormous tragedy is still unsolved. While the U.S. has relatively limited ability to ensure foreign governments utilize Interpol's database, encouraging them to report their own lost and stolen passports improves the quality of Interpol's list used by the U.S. to screen travelers to and from our country.

That said, I was disappointed the committee did not accept an amendment I offered to increase, by an additional 2,000, the number of CBP officers deployed at our ports of entry. I think we are seeing that there have been a number of State efforts that this number of CBP officers might have countered, and I look forward to us continuing to pursue opportunities to increase those numbers.

Congress recently provided the resources necessary to hire 2,000 additional CBP officers, but still more are needed. I understand current budgetary constraints, but so many of the challenges CBP faces at our ports of entry are related to or affected by persistent staffing shortages. Congress has a responsibility to do its part to alleviate these shortages, and I hope to continue to work with my colleagues on both sides of the aisle on this important issue.

That said, I strongly support the bill and am pleased that Customs and Border Protection will, for the first time in the years that they have been organized, in 2014, under the present chairman and myself, the ranking member, be authorized in its current form.

Mr. Speaker, I reserve the balance of my time.

Mrs. MILLER of Michigan. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas (Mr. MCCAUL), the chairman of the Committee on Homeland Security, who has been a very passionate advocate for this particular piece of legislation. It really has been under his direction that we have worked on this very much together.

Mr. MCCAUL. Mr. Speaker, I first want to commend the chairwoman of the Subcommittee on Border and Maritime Security and the ranking member, Ms. JACKSON LEE, for their hard work and efforts in trying to secure the border, first and foremost, but also in achieving what has never been achieved before, and that is an authorization bill for Customs and Border Patrol.

In the history of the Congress, this is the first time. It is very important, Mr. Speaker, that we do this. It is very important that we support our men and women in blue and in green, Customs and Border Patrol, for the hard work and dedication day in and day out in what some would say is a thankless job. What we are doing, what Chairwoman MILLER and Ranking Member JACKSON LEE have done, for the first time Congress has recognized them and validated them in their mission to secure the border that they do day in and day out.

I need not go into details about the latest border crisis that we are suffering through. Certainly the gentlewoman from Texas (Ms. JACKSON LEE) knows as well as I do that this is a crisis that demands action, a call to action, and a solution from Congress.

I believe that authorizing CBP is a first step, but it is also the first step toward this committee authorizing the entire Department of Homeland Security. It is my goal within the next year, for the first time in the history of Congress, to authorize the Department of Homeland Security.

And shame on us, shame on Congress for never authorizing this Department. You don't think that impacts morale? You don't think it gives a misguided message from the Congress that we don't support them? I think, above all, what this bill does is it says: we support you; we support you in your job.

These Border Patrol officers that I see down there, these agents, they get

rocks thrown at them. They get shot at. They have to deal in harsh conditions and the heat. And the customs agents at the ports of entry, I can't think of—someone would say ''thankless,'' but I can't think of a more important job in terms of protecting the sovereignty of the United States and protecting our borders day in and day out from threats that come in.

□ 1630

Mr. Speaker, if 60,000 children can just walk right across our border in the Rio Grande Valley sector, what does that say about our state of border security? What does that say? I met with the general of SOUTHCOM, General Kelly, and he told me: If they are coming in, what else is coming into the United States?

That is why this bill is so important, that is why border security is so important. I pledge to my committee members and to this Congress that we are going to get this job done. This is the first step, the beginning and the first step to finally getting this job done. We can report back to the American people that we have finally once and for all secured the border of the United States of America.

Mr. Speaker, I rise in support of H.R. 3846, the United States Customs and Border Protection Authorization Act, and thank Chairwoman MILLER for her hard work on this legislation. This measure would authorize U.S. Customs and Border Protection for the first time ever. It also provides greater transparency, accountability and oversight of the nation's largest law enforcement agency. U.S. Customs and Border Protection has an important mission of securing the homeland, while simultaneously ensuring the flow of legitimate trade and travel at our nation's borders.

The Commissioner of CBP must oversee an agency that includes the Office of Field Operations, the U.S. Border Patrol, the Office of Air and Marine, and numerous other subcomponents responsible for a range of missions from acquiring and maintaining technology on the border, to conducting polygraph investigations to ensure new hires do not have derogatory backgrounds. As an agency with more than 44,000 Federal Law Enforcement Officers, it is absolutely essential that Congress authorize CBP, and other DHS components, on a routine basis.

This past week marked the ten year anniversary of the release of the 9/11 Commission's recommendations to Congress. Among the most important incomplete recommendations was for Congress to create a single, principal point of oversight and review for homeland security. Unfortunately, the number of committees and subcommittees overseeing DHS has only increased since this recommendation was first offered, and has resulted in significant strains on DHS leadership, who are required to answer to multiple Committees that sometimes provide contradictory guidance.

Authorizing the Department and its components like CBP, thus fulfilling our obligations as an authorizing committee, remains my top priority for this Committee. As Chairman of the House Homeland Security Committee, I can certainly attest that fractured jurisdiction over the Department of Homeland Security has limited Congress' ability to provide effective guidance to DHS. In the ten years since the Department was created, it has never had a comprehensive reauthorization. Similarly, components such as U.S. Customs and Border Protection, have never been authorized in statute since being transferred to the Department of Homeland Security in 2002, despite undergoing significant reorganizations in the nearly twelve years since the Department's establishment.

Thus, I want to thank my colleagues, and especially Chairman CAMP and the Committee on Ways and Means, for their collaboration in bringing this legislation to the Floor.

This measure has strong bipartisan support, and includes more than 30 amendments offered by Committee members of both parties, during the subcommittee and full committee markups. As a result, this measure passed the Committee unanimously, which truly represents the cooperation we strive to achieve. I would like to thank Ranking Member THOMPSON for his work on this bill and the contributions of our Democratic Members.

I urge my colleagues to support this bill, which will authorize U.S. Customs and Border Protection for the first time, and will provide greater transparency, accountability, and oversight over this important component.

Ms. JACKSON LEE. Mr. Speaker, I yield myself such time as I may consume.

Let me offer just a few thoughts. I am delighted to associate myself with a very important point that the chairman of the committee made, and I will use the terminology ''authorization equals affirmation.''

It is important for us in this Congress to affirm an agency that is handling some of the most precious responsibilities, alongside of the intelligence community, alongside of the United States military, Defense. It is Homeland Security. That is why this is a first start toward making sure that we are, in fact, looking to affirm or reauthorize the importance of this particular agency.

What I would say is that, when we were crafting this bill along with my chairwoman as she introduced this legislation, we were somewhat before this rising surge, and we began to think about what we needed to do to get in front of it. I am very glad that I laid the framework in my language in the bill dealing with having DHS find out what are the causes, how do we address the issue of unaccompanied children that are coming. We might have used the term ''surge.'' It was a surge, but it wasn't at that point.

I believe that facts are crucial, and I think it is important that this bill will encourage some of the things that have already been done. The President has met with the three Presidents of Honduras, Guatemala, and El Salvador to determine and assess what the reasons are, how extreme the violence is. The stories are horrific.

And then, of course, to separate out the children who are running toward the men and women in green and begin to look at the border and securing the border, which none of us quarrel with. We realize that there have been some strides—we have worked with the Mexican government—but we also know that drug cartels, drug smugglers, sex traffickers, and human traffickers still prevail, because bad guys are always prevailing. We have to make sure that mixed into those bad guys that have those particular desires are not terrorists that will come and disturb this community or this Nation.

I think this bill lays a good framework for us to collaborate with so many others.

I want to thank Chairman MILLER for the bipartisan nature of the work on this bill, and the bills that originate from our committee. I would like to say that this is only the beginning.

I am looking forward to our committee partnering with Judiciary, and that we look to a reauthorization of ICE, which is a partner to the work that is being done on Homeland Security. I think it can be done. We have set a good model here today. As we make our way through the Department of Homeland Security, we have set a very good model on how we can affirm the vitality, the vigorousness, and the crucialness of these subagencies in providing for domestic security.

With that, I reserve the balance of my time.

Mrs. MILLER of Michigan. I would just advise, Mr. Speaker, I have no further speakers, so if the gentlewoman would like to close, I am prepared to close, and I reserve the balance of my time.

Ms. JACKSON LEE. Mr. Speaker, I am prepared to close. I am going to conclude my remarks by indicating that I want to, again, express my appreciation for the work that we have done.

As a Houstonian, and as the chairman indicated, we are Texans, we see this, we have seen it, we live with our neighbors, but, more importantly, we live with our friends on the border. Members of Congress are our friends, are our neighbors, and they are a part of this great Nation as well. It gives me a special sense of pride and responsibility to be able to work with their needs.

As someone who has representation over one of the largest ports, along with some of my other colleagues in Houston, the Houston port, these are very important issues. I think America needs to realize that when we safeguard our ports, provide for these agents, and give them an infrastructure of authorization, we affirm them. We are securing the homeland.

I think the border towns have handled this humanitarian crisis with great valor and a great sense of what America is all about. We need to respond to their needs, but we also need to address this question from a perspective of the humanitarian issue that it is and a balanced perspective of securing the border.

I think we have begun that process with this legislation, and I ask my colleagues to support it.

I yield back the balance of my time.

Mr. Speaker, I rise in strong support of H.R. 3846, the ''United States Customs and Border Protection Authorization Act.''

I am proud to be an original cosponsor of the bill, sponsored by my Subcommittee Chairman, the gentlelady from Michigan, Mrs. MILLER.

U.S. Customs and Border Protection is among the largest and most significant of the Department of Homeland Security's components.

CBP is charged with ensuring the security of America's borders while facilitating legitimate trade and travel.

Despite the essential nature of CBP's mission, it has not been authorized in law since the reorganization of the Department of Homeland Security announced by Secretary of Homeland Security Michael Chertoff nine years ago this month.

It is imperative that CBP is authorized in law to ensure that Congress can conduct proper oversight of the agency and its programs.

This legislation does just that.

I am pleased that the bill includes several amendments offered by Democratic Members during consideration by the Homeland Security Committee.

I was particularly pleased that the Committee accepted an amendment I offered to help address the recent surge in the number of unaccompanied children entering the U.S., at increasingly younger ages, particularly in my home state of Texas.

This issue requires immediate attention from Congress, given that the welfare of so many children is at stake.

I am also pleased that during Committee consideration an amendment offered by the gentlelady from California, Ms. SANCHEZ, was adopted to enhance CBP's oversight of and adherence to short-term detention standards at its facilities.

While these facilities are not intended to house individuals for long-term immigration detention, it is imperative that basic standards are adhered to in order to ensure the health and wellbeing of people, including children, in CBP custody.

I am also pleased that the Committee accepted an amendment offered by the gentleman from California, Mr. SWALWELL, stating that CBP may not enter into or renew a trusted traveler program agreement with a foreign government unless that government reports lost and stolen passport data to INTERPOL.

We know that passengers on Malaysia Airlines Flight 370 were traveling on stolen passports.

While the U.S. has relatively limited ability to ensure foreign governments utilize INTERPOL's database, encouraging them to report their own lost and stolen passports improves the quality of INTERPOL's lists used by the U.S. to screen travelers to and from our country.

That said, I was disappointed that the Committee did not accept an amendment I offered to increase by an additional 2,000 the number of CBP officers deployed at our ports of entry.

Congress recently provided the resources necessary to hire 2,000 additional CBP officers, but still more are needed.

I understand current budgetary constraints, but so many of the challenges CBP faces at our ports of entry are related to or affected by persistent staffing shortages.

Congress has a responsibility to do its part to alleviate those shortages and I hope to continue to work with my colleagues, on both sides of the aisle, on this important issue.

That said, I strongly support the bill and am pleased that Customs and Border Protection will, for the first time, be authorized in its current form.

In closing, I would like to thank the gentlelady from Michigan, Mrs. MILLER, for the bipartisan process.

I believe we produced a solid bill that should garner broad bi-partisan support in the House today.

I am particularly pleased that at this time when there is so much rancor about the Administration's response to the influx of fleeing unaccompanied children at our Southwest Border, we are standing together to authorize resources for the CBP to continue to do its part.

With that Mr. Speaker, I urge my colleagues to support H.R. 3846, the United States Customs and Border Protection Authorization Act.

Mrs. MILLER of Michigan. Mr. Speaker, I yield myself such time as I may consume.

I would just say in closing, first of all, I thought that the chairman of the Homeland Security Committee, Mr. MCCAUL, made some excellent, excellent remarks. One of the things that he said that is absolutely true, and I know all of us feel this, is every time we talk to a CBP officer, one of the men and women who so bravely secure our borders, they can't quite believe that Congress has never authorized their agency. It is not a great thing for their morale that we have never really paid them the attention that they deserve.

So I think this bill is, as I said at the beginning of my remarks, such an important first step for this Congress to be able to do that.

With the humanitarian crisis that is happening at our southern border with this tsunami of unaccompanied children that is coming in, we all see the video each and every day of our brave men and women, our CBP officers, trying to handle that. They have responsibilities there, things that they are doing there that are taking them away, quite frankly, as they are handling the children, taking them away from their duties and responsibilities of stopping the drug cartels, et cetera, from entering our borders. I just think this bill is incredibly important.

I would also mention as well, as we talk about the issues on the southern border, which are certainly in all of our news each and every day, but America has more than one border. We have the northern border as well. I see the dean of the House, Mr. DINGELL, is on the floor. He and I, both being from the northern border State of Michigan, have worked together very diligently on northern border issues. We have in Michigan the two busiest northern border crossings on the entire northern tier of our Nation there. Again, our CBP officers have stopped so many that wish our Nation harm, whether that is human smuggling or drug smuggling or what have you, we have some unique dynamics on the northern border as well, as well as our maritime border.

Mr. Speaker, this is a very, very important bill. Again, securing the homeland is certainly foremost of all of our responsibilities.

I would once again urge our colleagues to support H.R. 3846, the United States Customs and Border Protection Authorization Act, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in support of H.R. 3846, the ''United States Customs and Border Protection Authorization Act.''

The bill before us today seeks to authorize U.S. Customs and Border Protection (CBP) for the first time since the establishment of the Department of Homeland Security.

As one of the largest operational components within DHS, CBP is charged with the critical, dual mission of securing our Nation's borders while facilitating legitimate trade and travel.

It is imperative that CBP is authorized in law in a manner consistent with its current organizational structure.

Only then can Congress conduct full and appropriate oversight of the agency and its activities.

The bill before us today serves that purpose by establishing CBP, its leadership structure, and its functions in law.

I am pleased to say that H.R. 3846 is a bipartisan product that has benefitted from input from Members on both sides of the aisle during the Committee process. Democratic Members of the Committee on Homeland Security offered important amendments on unaccompanied children crossing the border; electronic searches at the border; standards at short-term detention facilities; and professionalism and accountability for CBP personnel.

I want to congratulate the Chairman and Ranking Member of the Subcommittee on Border and Maritime Security, Rep. CANDICE MILLER and Rep. JACKSON LEE, for their hard work on this measure.

The bill before us today reflects the results of the bipartisan spirit in which they conduct their work, and it should be something all Members can give their strong support.

Mr. Speaker, I urge my colleagues to support H.R. 3846, the ''United States Customs and Border Protection Authorization Act.''

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, H.R. 3846, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

NATIONAL CYBERSECURITY AND CRITICAL INFRASTRUCTURE PROTECTION ACT OF 2014

Mr. MCCAUL. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3696) to amend the Homeland Security Act of 2002 to make certain improvements regarding cybersecurity

and critical infrastructure protection, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3696

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''National Cybersecurity and Critical Infrastructure Protection Act of 2014''.

SEC. 2. TABLE OF CONTENTS.

The table of contents for this Act is as follows:

TITLE I—SECURING THE NATION AGAINST CYBER ATTACK

SEC. 101. HOMELAND SECURITY ACT OF 2002 DEFINITIONS.

Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by adding at the end the following new paragraphs:

''(19) The term 'critical infrastructure' has the meaning given that term in section 1016(e) of the USA Patriot Act (42 U.S.C. 5195c(e)).

''(20) The term 'critical infrastructure owner' means a person that owns critical infrastructure.

''(21) The term 'critical infrastructure operator' means a critical infrastructure owner or other person that manages, runs, or operates, in whole or in part, the day-to-day operations of critical infrastructure.

''(22) The term 'cyber incident' means an incident, or an attempt to cause an incident, that, if successful, would—

''(A) jeopardize or imminently jeopardize, without lawful authority, the security, integrity, confidentiality, or availability of an information system or network of information systems or any information stored on, processed on, or transiting such a system or network;

''(B) constitute a violation or imminent threat of violation of law, security policies, security procedures, or acceptable use policies related to such a system or network, or an act of terrorism against such a system or network; or

''(C) result in the denial of access to or degradation, disruption, or destruction of such a system or network, or the defeat of an operations control or technical control essential to the security or operation of such a system or network.

''(23) The term 'cybersecurity mission' means activities that encompass the full range of threat reduction, vulnerability reduction, deterrence, incident response, resiliency, and recovery activities to foster the security and stability of cyberspace.

''(24) The term 'cybersecurity purpose' means the purpose of ensuring the security, integrity, confidentiality, or availability of, or safeguarding, an information system or network of information systems, including protecting such a system or network, or data residing on such a system or network, including protection of such a system or network, from—

''(A) a vulnerability of such a system or network;

''(B) a threat to the security, integrity, confidentiality, or availability of such a system or network, or any information stored on, processed on, or transiting such a system or network;

''(C) efforts to deny access to or degrade, disrupt, or destroy such a system or network; or

''(D) efforts to gain unauthorized access to such a system or network, including to gain such unauthorized access for the purpose of exfiltrating information stored on, processed on, or transiting such a system or network.

''(25) The term 'cyber threat' means any action that may result in unauthorized access to, exfiltration of, manipulation of, harm of, or impairment to the security, integrity, confidentiality, or availability of an information system or network of information systems, or information that is stored on, processed by, or transiting such a system or network.

''(26) The term 'cyber threat information' means information directly pertaining to—

''(A) a vulnerability of an information system or network of information systems of a government or private entity;

''(B) a threat to the security, integrity, confidentiality, or availability of such a system or network of a government or private entity, or any information stored on, processed on, or transiting such a system or network;

''(C) efforts to deny access to or degrade, disrupt, or destroy such a system or network of a government or private entity;

''(D) efforts to gain unauthorized access to such a system or network, including to gain such unauthorized access for the purpose of exfiltrating information stored on, processed on, or transiting such a system or network; or

''(E) an act of terrorism against an information system or network of information systems.

''(27) The term 'Federal civilian information systems'—

''(A) means information, information systems, and networks of information systems that are owned, operated, controlled, or licensed for use by, or on behalf of, any Federal agency, including such systems or networks used or operated by another entity on behalf of a Federal agency; but

''(B) does not include—

''(i) a national security system; or

''(ii) information, information systems, and networks of information systems that are owned, operated, controlled, or licensed solely for use by, or on behalf of, the Department of Defense, a military department, or an element of the intelligence community.

''(28) The term 'information security' means the protection of information, information systems, and networks of information systems from unauthorized access, use, disclosure, disruption, modification, or destruction in order to provide—

''(A) integrity, including guarding against improper information modification or destruction, including ensuring nonrepudiation and authenticity;

''(B) confidentiality, including preserving authorized restrictions on access and disclosure, including means for protecting personal privacy and proprietary information; and

''(C) availability, including ensuring timely and reliable access to and use of information.

''(29) The term 'information system' means the underlying framework and functions used to process, transmit, receive, or store information electronically, including programmable electronic devices, communications networks, and industrial or supervisory control systems and any associated hardware, software, or data.

''(30) The term 'private entity' means any individual or any private or publically-traded company, public or private utility (including a utility that is a unit of a State or local government, or a political subdivision of a State government), organization, or corporation, including an officer, employee, or agent thereof.

''(31) The term 'shared situational awareness' means an environment in which cyber threat information is shared in real time between all designated Federal cyber operations centers to provide actionable information about all known cyber threats.''.

SEC. 102. ENHANCEMENT OF CYBERSECURITY.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 is amended by adding at the end the following new section:

''SEC. 226. ENHANCEMENT OF CYBERSECURITY.

''The Secretary, in collaboration with the heads of other appropriate Federal Government entities, shall conduct activities for cybersecurity purposes, including the provision of shared situational awareness to each other to enable real-time, integrated, and operational actions to protect from, prevent, mitigate, respond to, and recover from cyber incidents.''.

(b) CLERICAL AMENDMENTS.—

(1) SUBTITLE HEADING.—The heading for subtitle C of title II of such Act is amended to read as follows:

''Subtitle C—Cybersecurity and Information Sharing''.

(2) TABLE OF CONTENTS.—The table of contents in section 1(b) of such Act is amended—

(A) by adding after the item relating to section 225 the following new item:

''Sec. 226. Enhancement of cybersecurity.'';

and

(B) by striking the item relating to subtitle C of title II and inserting the following new item:

''Subtitle C—Cybersecurity and Information Sharing''.

SEC. 103. PROTECTION OF CRITICAL INFRASTRUCTURE AND INFORMATION SHARING.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002, as amended by section 102, is further amended by adding at the end the following new section:

''SEC. 227. PROTECTION OF CRITICAL INFRASTRUCTURE AND INFORMATION SHARING.

''(a) PROTECTION OF CRITICAL INFRASTRUCTURE.—

''(1) IN GENERAL.—The Secretary shall coordinate, on an ongoing basis, with Federal, State, and local governments, national laboratories, critical infrastructure owners, critical infrastructure operators, and other cross sector coordinating entities to—

''(A) facilitate a national effort to strengthen and maintain secure, functioning, and resilient critical infrastructure from cyber threats;

''(B) ensure that Department policies and procedures enable critical infrastructure owners and critical infrastructure operators to receive real-time, actionable, and relevant cyber threat information;

''(C) seek industry sector-specific expertise to—

''(i) assist in the development of voluntary security and resiliency strategies; and

''(ii) ensure that the allocation of Federal resources are cost effective and reduce any burden on critical infrastructure owners and critical infrastructure operators;

''(D) upon request of entities, facilitate and assist risk management efforts of such entities to reduce vulnerabilities, identify and disrupt threats, and minimize consequences to their critical infrastructure;

''(E) upon request of critical infrastructure owners or critical infrastructure operators, provide education and assistance to such owners and operators on how they may use protective measures and countermeasures to strengthen the security and resilience of the Nation's critical infrastructure; and

''(F) coordinate a research and development strategy to facilitate and promote advancements and innovation in cybersecurity technologies to protect critical infrastructure.

''(2) ADDITIONAL RESPONSIBILITIES.—The Secretary shall—

''(A) manage Federal efforts to secure, protect, and ensure the resiliency of Federal civilian information systems using a risk-based and performance-based approach, and, upon request of critical infrastructure owners or critical infrastructure operators, support such owners' and operators' efforts to secure, protect, and ensure the resiliency of critical infrastructure from cyber threats;

''(B) direct an entity within the Department to serve as a Federal civilian entity by and among Federal, State, and local governments, private entities, and critical infrastructure sectors to provide multi-directional sharing of real-time, actionable, and relevant cyber threat information;

''(C) build upon existing mechanisms to promote a national awareness effort to educate the general public on the importance of securing information systems;

''(D) upon request of Federal, State, and local government entities and private entities, facilitate expeditious cyber incident response and recovery assistance, and provide analysis and warnings related to threats to and vulnerabilities of critical information systems, crisis and consequence management support, and other remote or on-site technical assistance with the heads of other appropriate Federal agencies to Federal, State, and local government entities and private entities for cyber incidents affecting critical infrastructure;

''(E) engage with international partners to strengthen the security and resilience of domestic critical infrastructure and critical infrastructure located outside of the United States upon which the United States depends; and

''(F) conduct outreach to educational institutions, including historically black colleges and universities, Hispanic serving institutions, Native American colleges, and institutions serving persons with disabilities, to encourage such institutions to promote cybersecurity awareness.

''(3) RULE OF CONSTRUCTION.—Nothing in this section may be construed to require any private entity to request assistance from the Secretary, or require any private entity requesting such assistance to implement any measure or recommendation suggested by the Secretary.

''(b) CRITICAL INFRASTRUCTURE SECTORS.—The Secretary, in collaboration with the heads of other appropriate Federal agencies, shall designate critical infrastructure sectors (that may include subdivisions of sectors within a sector as the Secretary may determine appropriate). The critical infrastructure sectors designated under this subsection may include the following:

''(1) Chemical.

''(2) Commercial facilities.

''(3) Communications.

''(4) Critical manufacturing.

''(5) Dams.

''(6) Defense Industrial Base.

''(7) Emergency services.

''(8) Energy.

''(9) Financial services.

''(10) Food and agriculture.

''(11) Government facilities.

''(12) Healthcare and public health.

''(13) Information technology.

''(14) Nuclear reactors, materials, and waste.

''(15) Transportation systems.

''(16) Water and wastewater systems.

''(17) Such other sectors as the Secretary determines appropriate.

''(c) SECTOR SPECIFIC AGENCIES.—The Secretary, in collaboration with the relevant critical infrastructure sector and the heads of other appropriate Federal agencies, shall recognize the Federal agency designated as of November 1, 2013, as the 'Sector Specific Agency' for each critical infrastructure sector designated under subsection (b). If the designated Sector Specific Agency for a particular critical infrastructure sector is the Department, for the purposes of this section, the Secretary shall carry out this section. The Secretary, in coordination with the heads of each such Sector Specific Agency shall—

''(1) support the security and resilience activities of the relevant critical infrastructure sector in accordance with this subtitle; and

''(2) provide institutional knowledge and specialized expertise to the relevant critical infrastructure sector.

''(d) SECTOR COORDINATING COUNCILS.—

''(1) RECOGNITION.—The Secretary, in collaboration with each critical infrastructure sector and the relevant Sector Specific Agency, shall recognize and partner with the Sector Coordinating Council for each critical infrastructure sector designated under subsection (b) to coordinate with each such sector on security and resilience activities and emergency response and recovery efforts.

''(2) MEMBERSHIP.—

''(A) IN GENERAL.—The Sector Coordinating Council for a critical infrastructure sector designated under subsection (b) shall—

''(i) be comprised exclusively of relevant critical infrastructure owners, critical infrastructure operators, private entities, and representative trade associations for the sector;

''(ii) reflect the unique composition of each sector; and

''(iii) as appropriate, include relevant small, medium, and large critical infrastructure owners, critical infrastructure operators, private entities, and representative trade associations for the sector.

''(B) PROHIBITION.—No government entity with regulating authority shall be a member of the Sector Coordinating Council.

''(C) LIMITATION.—The Secretary shall have no role in the determination of the membership of a Sector Coordinating Council.

''(3) ROLES AND RESPONSIBILITIES.—The Sector Coordinating Council for a critical infrastructure sector shall—

''(A) serve as a self-governing, self-organized primary policy, planning, and strategic communications entity for coordinating with the Department, the relevant Sector-Specific Agency designated under subsection (c), and the relevant Information Sharing and Analysis Centers under subsection (e) on security and resilience activities and emergency response and recovery efforts;

''(B) establish governance and operating procedures, and designate a chairperson for the sector to carry out the activities described in this subsection;

''(C) coordinate with the Department, the relevant Information Sharing and Analysis Centers under subsection (e), and other Sector Coordinating Councils to update, maintain, and exercise the National Cybersecurity Incident Response Plan in accordance with section 229(b); and

''(D) provide any recommendations to the Department on infrastructure protection technology gaps to help inform research and development efforts at the Department.

''(e) SECTOR INFORMATION SHARING AND ANALYSIS CENTERS.—

''(1) RECOGNITION.—The Secretary, in collaboration with the relevant Sector Coordinating Council and the critical infrastructure sector represented by such Council, and in coordination with the relevant Sector Specific Agency, shall recognize at least one Information Sharing and Analysis Center for each critical infrastructure sector designated under subsection (b) for purposes of paragraph (3). No other Information Sharing and Analysis Organizations, including Information Sharing and Analysis Centers, may be precluded from having an information sharing relationship within the National Cybersecurity and Communications Integration Center established pursuant to section 228. Nothing in this subsection or any other provision of this subtitle may be construed to limit, restrict, or condition any private entity or activity utilized by, among, or between private entities.

''(2) ROLES AND RESPONSIBILITIES.—In addition to such other activities as may be authorized by law, at least one Information Sharing and Analysis Center for a critical infrastructure sector shall—

''(A) serve as an information sharing resource for such sector and promote ongoing multi-directional sharing of real-time, relevant, and actionable cyber threat information and analysis by and among such sector, the Department, the relevant Sector Specific Agency, and other critical infrastructure sector Information Sharing and Analysis Centers;

''(B) establish governance and operating procedures to carry out the activities conducted under this subsection;

''(C) serve as an emergency response and recovery operations coordination point for such sector, and upon request, facilitate cyber incident response capabilities in coordination with the Department, the relevant Sector Specific Agency and the relevant Sector Coordinating Council;

''(D) facilitate cross-sector coordination and sharing of cyber threat information to prevent related or consequential impacts to other critical infrastructure sectors;

''(E) coordinate with the Department, the relevant Sector Coordinating Council, the relevant Sector Specific Agency, and other critical infrastructure sector Information Sharing and Analysis Centers on the development, integration, and implementation of procedures to support technology neutral,

real-time information sharing capabilities and mechanisms within the National Cybersecurity and Communications Integration Center established pursuant to section 228, including—

''(i) the establishment of a mechanism to voluntarily report identified vulnerabilities and opportunities for improvement;

''(ii) the establishment of metrics to assess the effectiveness and timeliness of the Department's and Information Sharing and Analysis Centers' information sharing capabilities; and

''(iii) the establishment of a mechanism for anonymous suggestions and comments;

''(F) implement an integration and analysis function to inform sector planning, risk mitigation, and operational activities regarding the protection of each critical infrastructure sector from cyber incidents;

''(G) combine consequence, vulnerability, and threat information to share actionable assessments of critical infrastructure sector risks from cyber incidents;

''(H) coordinate with the Department, the relevant Sector Specific Agency, and the relevant Sector Coordinating Council to update, maintain, and exercise the National Cybersecurity Incident Response Plan in accordance with section 229(b); and

''(I) safeguard cyber threat information from unauthorized disclosure.

''(3) FUNDING.—Of the amounts authorized to be appropriated for each of fiscal years 2014, 2015, and 2016 for the Cybersecurity and Communications Office of the Department, the Secretary is authorized to use not less than $25,000,000 for any such year for operations support at the National Cybersecurity and Communications Integration Center established under section 228(a) of all recognized Information Sharing and Analysis Centers under paragraph (1) of this subsection.

''(f) CLEARANCES.—The Secretary—

''(1) shall expedite the process of security clearances under Executive Order 13549 or successor orders for appropriate representatives of Sector Coordinating Councils and the critical infrastructure sector Information Sharing and Analysis Centers; and

''(2) may so expedite such processing to—

''(A) appropriate personnel of critical infrastructure owners and critical infrastructure operators; and

''(B) any other person as determined by the Secretary.

''(g) PUBLIC-PRIVATE COLLABORATION.—The Secretary, in collaboration with the critical infrastructure sectors designated under subsection (b), such sectors' Sector Specific Agencies recognized under subsection (c), and the Sector Coordinating Councils recognized under subsection (d), shall—

''(1) conduct an analysis and review of the existing public-private partnership model and evaluate how the model between the Department and critical infrastructure owners and critical infrastructure operators can be improved to ensure the Department, critical infrastructure owners, and critical infrastructure operators are equal partners and regularly collaborate on all programs and activities of the Department to protect critical infrastructure;

''(2) develop and implement procedures to ensure continuous, collaborative, and effective interactions between the Department, critical infrastructure owners, and critical infrastructure operators; and

''(3) ensure critical infrastructure sectors have a reasonable period for review and comment of all jointly produced materials with the Department.

''(h) RECOMMENDATIONS REGARDING NEW AGREEMENTS.—Not later than 180 days after the date of the enactment of this section, the Secretary shall submit to the appropriate congressional committees recommendations on how to expedite the implementation of information sharing agreements for cybersecurity purposes between the Secretary and critical information owners and critical infrastructure operators and other private entities. Such recommendations shall address the development and utilization of a scalable form that retains all privacy and other protections in such agreements in existence as of such date, including Cooperative and Research Development Agreements. Such recommendations should also include any additional authorities or resources that may be needed to carry out the implementation of any such new agreements.

''(i) RULE OF CONSTRUCTION.—No provision of this title may be construed as modifying, limiting, or otherwise affecting the authority of any other Federal agency under any other provision of law.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding after the item relating to section 226 (as added by section 102) the following new item:

''Sec. 227. Protection of critical infrastructure and information sharing.''.

SEC. 104. NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002, as amended by sections 102 and 103, is further amended by adding at the end the following new section:

''SEC. 228. NATIONAL CYBERSECURITY AND COMMUNICATIONS INTEGRATION CENTER.

''(a) ESTABLISHMENT.—There is established in the Department the National Cybersecurity and Communications Integration Center (referred to in this section as the 'Center'), which shall be a Federal civilian information sharing interface that provides shared situational awareness to enable real-time, integrated, and operational actions across the Federal Government, and share cyber threat information by and among Federal, State, and local government entities, Information Sharing and Analysis Centers, private entities, and critical infrastructure owners and critical infrastructure operators that have an information sharing relationship with the Center.

''(b) COMPOSITION.—The Center shall include each of the following entities:

''(1) At least one Information Sharing and Analysis Center established under section 227(e) for each critical infrastructure sector.

''(2) The Multi-State Information Sharing and Analysis Center to collaborate with State and local governments.

''(3) The United States Computer Emergency Readiness Team to coordinate cyber threat information sharing, proactively manage cyber risks to the United States, collaboratively respond to cyber incidents, provide technical assistance to information system owners and operators, and disseminate timely notifications regarding current and potential cyber threats and vulnerabilities.

''(4) The Industrial Control System Cyber Emergency Response Team to coordinate with industrial control systems owners and operators and share industrial control systems-related security incidents and mitigation measures.

''(5) The National Coordinating Center for Telecommunications to coordinate the protection, response, and recovery of national security emergency communications.

''(6) Such other Federal, State, and local government entities, private entities, organizations, or individuals as the Secretary may consider appropriate that agree to be included.

''(c) CYBER INCIDENT.—In the event of a cyber incident, the Secretary may grant the entities referred to in subsection (a) immediate temporary access to the Center as a situation may warrant.

''(d) ROLES AND RESPONSIBILITIES.—The Center shall—

''(1) promote ongoing multi-directional sharing by and among the entities referred to in subsection (a) of timely and actionable cyber threat information and analysis on a real-time basis that includes emerging trends, evolving threats, incident reports, intelligence information, risk assessments, and best practices;

''(2) coordinate with other Federal agencies to streamline and reduce redundant reporting of cyber threat information;

''(3) provide, upon request, timely technical assistance and crisis management support to Federal, State, and local government entities and private entities that own or operate information systems or networks of information systems to protect from, prevent, mitigate, respond to, and recover from cyber incidents;

''(4) facilitate cross-sector coordination and sharing of cyber threat information to prevent related or consequential impacts to other critical infrastructure sectors;

''(5) collaborate and facilitate discussions with Sector Coordinating Councils, Information Sharing and Analysis Centers, Sector Specific Agencies, and relevant critical infrastructure sectors on the development of prioritized Federal response efforts, if necessary, to support the defense and recovery of critical infrastructure from cyber incidents;

''(6) collaborate with the Sector Coordinating Councils, Information Sharing and Analysis Centers, Sector Specific Agencies, and the relevant critical infrastructure sectors on the development and implementation of procedures to support technology neutral real-time information sharing capabilities and mechanisms;

''(7) collaborate with the Sector Coordinating Councils, Information Sharing and Analysis Centers, Sector Specific Agencies, and the relevant critical infrastructure sectors to identify requirements for data and information formats and accessibility, system interoperability, and redundant systems and alternative capabilities in the event of a disruption in the primary information sharing capabilities and mechanisms at the Center;

''(8) within the scope of relevant treaties, cooperate with international partners to share information and respond to cyber incidents;

''(9) safeguard sensitive cyber threat information from unauthorized disclosure;

''(10) require other Federal civilian agencies to—

''(A) send reports and information to the Center about cyber incidents, threats, and vulnerabilities affecting Federal civilian information systems and critical infrastructure systems and, in the event a private vendor product or service of such an agency is so implicated, the Center shall first notify such private vendor of the vulnerability before further disclosing such information;

''(B) provide to the Center cyber incident detection, analysis, mitigation, and response information; and

''(C) immediately send and disclose to the Center cyber threat information received by such agencies;

''(11) perform such other duties as the Secretary may require to facilitate a national effort to strengthen and maintain secure, functioning, and resilient critical infrastructure from cyber threats;

''(12) implement policies and procedures to—

''(A) provide technical assistance to Federal civilian agencies to prevent and respond to data breaches involving unauthorized acquisition or access of personally identifiable information that occur on Federal civilian information systems;

''(B) require Federal civilian agencies to notify the Center about data breaches involving unauthorized acquisition or access of personally identifiable information that occur on Federal civilian information systems without unreasonable delay after the discovery of such a breach; and

''(C) require Federal civilian agencies to notify all potential victims of a data breach involving unauthorized acquisition or access of personally identifiable information that occur on Federal civilian information systems without unreasonable delay, based on a reasonable determination of the level of risk of harm and consistent with the needs of law enforcement; and

''(13) participate in exercises run by the Department's National Exercise Program, where appropriate.

''(e) INTEGRATION AND ANALYSIS.—The Center, in coordination with the Office of Intelligence and Analysis of the Department, shall maintain an integration and analysis function, which shall —

''(1) integrate and analyze all cyber threat information received from other Federal agencies, State and local governments, Information Sharing and Analysis Centers, private entities, critical infrastructure owners, and critical infrastructure operators, and share relevant information in near real-time;

''(2) on an ongoing basis, assess and evaluate consequence, vulnerability, and threat information to share with the entities referred to in subsection (a) actionable assessments of critical infrastructure sector risks from cyber incidents and to assist critical infrastructure owners and critical infrastructure operators by making recommendations to facilitate continuous improvements to the security and resiliency of the critical infrastructure of the United States;

''(3) facilitate cross-sector integration, identification, and analysis of key interdependencies to prevent related or consequential impacts to other critical infrastructure sectors;

''(4) collaborate with the Information Sharing and Analysis Centers to tailor the analysis of information to the specific characteristics and risk to a relevant critical infrastructure sector; and

''(5) assess and evaluate consequence, vulnerability, and threat information regarding cyber incidents in coordination with the Office of Emergency Communications of the Department to help facilitate continuous improvements to the security and resiliency of public safety communications networks.

''(f) REPORT OF CYBER ATTACKS AGAINST FEDERAL GOVERNMENT NETWORKS.—The Secretary shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Comptroller General of the United States an annual report that summarizes major cyber incidents involving Federal civilian agency information systems and provides aggregate statistics on the number of breaches, the extent of any personally identifiable information that was involved, the volume of data exfiltrated, the consequential impact, and the estimated cost of remedying such breaches.

''(g) REPORT ON THE OPERATIONS OF THE CENTER.—The Secretary, in consultation with the Sector Coordinating Councils and appropriate Federal Government entities, shall submit to the Committee on Homeland Security of the House of Representatives, the Committee on Homeland Security and Governmental Affairs of the Senate, and the Comptroller General of the United States an annual report on—

''(1) the capability and capacity of the Center to carry out its cybersecurity mission in accordance with this section, and sections 226, 227, 229, 230, 230A, and 230B;

''(2) the extent to which the Department is engaged in information sharing with each critical infrastructure sector designated under section 227(b), including—

''(A) the extent to which each such sector has representatives at the Center; and

''(B) the extent to which critical infrastructure owners and critical infrastructure operators of each critical infrastructure sector participate in information sharing at the Center;

''(3) the volume and range of activities with respect to which the Secretary collaborated with the Sector Coordinating Councils and the Sector-Specific Agencies to promote greater engagement with the Center; and

''(4) the volume and range of voluntary technical assistance sought and provided by the Department to each critical infrastructure owner and critical infrastructure operator.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding after the item relating to section 227 (as added by section 103) the following new item:

''Sec. 228. National Cybersecurity and Communications Integration Center.''.

(c) GAO REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the effectiveness of the National Cybersecurity and Communications Integration Center established under section 228 of the Homeland Security Act of 2002, as added by subsection (a) of this section, in carrying out its cybersecurity mission (as such term is defined in section 2 of the Homeland Security Act of 2002, as amended by section 101) in accordance with this Act and such section 228 and sections 226, 227, 229, 230, 230A, and 230B of the Homeland Security Act of 2002, as added by this Act.

SEC. 105. CYBER INCIDENT RESPONSE AND TECHNICAL ASSISTANCE.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002, as amended by sections 102, 103, and 104, is further amended by adding at the end the following new section:

''SEC. 229. CYBER INCIDENT RESPONSE AND TECHNICAL ASSISTANCE.

''(a) IN GENERAL.—The Secretary shall establish Cyber Incident Response Teams to—

''(1) upon request, provide timely technical assistance and crisis management support to Federal, State, and local government entities, private entities, and critical infrastructure owners and critical infrastructure operators involving cyber incidents affecting critical infrastructure; and

''(2) upon request, provide actionable recommendations on security and resilience measures and countermeasures to Federal, State, and local government entities, private entities, and critical infrastructure owners and critical infrastructure operators prior to, during, and after cyber incidents.

''(b) COORDINATION.—In carrying out subsection (a), the Secretary shall coordinate with the relevant Sector Specific Agencies, if applicable.

''(c) CYBER INCIDENT RESPONSE PLAN.—The Secretary, in coordination with the Sector Coordinating Councils, Information Sharing and Analysis Centers, and Federal, State, and local governments, shall develop, regularly update, maintain, and exercise a National Cybersecurity Incident Response Plan which shall—

''(1) include effective emergency response plans associated with cyber threats to critical infrastructure, information systems, or networks of information systems;

''(2) ensure that such National Cybersecurity Incident Response Plan can adapt to and reflect a changing cyber threat environment, and incorporate best practices and lessons learned from regular exercises, training, and after-action reports; and

''(3) facilitate discussions on the best methods for developing innovative and useful cybersecurity exercises for coordinating between the Department and each of the critical infrastructure sectors designated under section 227(b).

''(d) UPDATE TO CYBER INCIDENT ANNEX TO THE NATIONAL RESPONSE FRAMEWORK.—The Secretary, in coordination with the heads of other Federal agencies and in accordance with the National Cybersecurity Incident Response Plan under subsection (c), shall regularly update, maintain, and exercise the Cyber Incident Annex to the National Response Framework of the Department.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding after the item relating to section 228 (as added by section 104) the following new item:

''Sec. 229. Cyber incident response and technical assistance.''.

SEC. 106. STREAMLINING OF DEPARTMENT CYBERSECURITY ORGANIZATION.

(a) CYBERSECURITY AND INFRASTRUCTURE PROTECTION DIRECTORATE.—The National Protection and Programs Directorate of the Department of Homeland Security shall, after the date of the enactment of this Act, be known and designated as the ''Cybersecurity and Infrastructure Protection Directorate''. Any reference to the National Protection and Programs Directorate of the Department in any law, regulation, map, document, record, or other paper of the United States shall be deemed to be a reference to the Cybersecurity and Infrastructure Protection Directorate of the Department.

(b) SENIOR LEADERSHIP OF THE CYBERSECURITY AND INFRASTRUCTURE PROTECTION DIRECTORATE.—

(1) IN GENERAL.—Paragraph (1) of section 103(a) of the Homeland Security Act of 2002 (6 U.S.C. 113(a)) is amended by adding at the end the following new subparagraphs:

''(K) Under Secretary for Cybersecurity and Infrastructure Protection.

''(L) Deputy Under Secretary for Cybersecurity.

''(M) Deputy Under Secretary for Infrastructure Protection.''.

(2) CONTINUATION IN OFFICE.—The individuals who hold the positions referred to in subparagraphs (K), (L), and (M) of subsection (a) of section 103 of the Homeland Security Act of 2002 (as added by paragraph (1) of this subsection) as of the date of the enactment of this Act may continue to hold such positions.

(c) REPORT ON IMPROVING THE CAPABILITY AND EFFECTIVENESS OF THE CYBERSECURITY AND COMMUNICATIONS OFFICE.—To improve the operational capability and effectiveness in carrying out the cybersecurity mission (as such term is defined in section 2 of the Homeland Security Act of 2002, as amended by section 101) of the Department of Homeland Security, the Secretary of Homeland Security shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on—

(1) the feasibility of making the Cybersecurity and Communications Office of the Department an operational component of the Department;

(2) recommendations for restructuring the SAFETY Act Office within the Department to protect and maintain operations in accordance with the Office's mission to provide incentives for the development and deployment of anti-terrorism technologies while elevating the profile and mission of the Office, including the feasibility of utilizing third-party registrars for improving the throughput and effectiveness of the certification process.

(d) REPORT ON CYBERSECURITY ACQUISITION CAPABILITIES.—The Secretary of Homeland Security shall assess the effectiveness of the Department of Homeland Security's acquisition processes and the use of existing authorities for acquiring cybersecurity technologies to ensure that such processes and authorities are capable of meeting the needs and demands of the Department's cybersecurity mission (as such term is defined in section 2 of the Homeland Security Act of 2002, as amended by section 101). Not later than 180 days after the date of the enactment of this Act, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on the effectiveness of the Department's acquisition processes for cybersecurity technologies.

(e) RESOURCE INFORMATION.—The Secretary of Homeland Security shall make available Department of Homeland Security contact information to serve as a resource for Sector Coordinating Councils and critical infrastructure owners and critical infrastructure operators to better coordinate cybersecurity efforts with the Department relating to emergency response and recovery efforts for cyber incidents.

TITLE II—PUBLIC-PRIVATE COLLABORATION ON CYBERSECURITY

SEC. 201. PUBLIC-PRIVATE COLLABORATION ON CYBERSECURITY.

(a) NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY.—

(1) IN GENERAL.—The Director of the National Institute of Standards and Technology, in coordination with the Secretary of Homeland Security, shall, on an ongoing basis, facilitate and support the development of a voluntary, industry-led set of standards, guidelines, best practices, methodologies, procedures, and processes to reduce cyber risks to critical infrastructure. The Director, in coordination with the Secretary—

(A) shall—

(i) coordinate closely and continuously with relevant private entities, critical infrastructure owners and critical infrastructure operators, Sector Coordinating Councils, Information Sharing and Analysis Centers, and other relevant industry organizations, and incorporate industry expertise to the fullest extent possible;

(ii) consult with the Sector Specific Agencies, Federal, State and local governments, the governments of other countries, and international organizations;

(iii) utilize a prioritized, flexible, repeatable, performance-based, and cost-effective approach, including information security measures and controls, that may be voluntarily adopted by critical infrastructure owners and critical infrastructure operators to help them identify, assess, and manage cyber risks;

(iv) include methodologies to—

(I) identify and mitigate impacts of the cybersecurity measures or controls on business confidentiality; and

(II) protect individual privacy and civil liberties;

(v) incorporate voluntary consensus standards and industry best practices, and align with voluntary international standards to the fullest extent possible;

(vi) prevent duplication of regulatory processes and prevent conflict with or superseding of regulatory requirements, mandatory standards, and processes; and

(vii) include such other similar and consistent elements as determined necessary; and

(B) shall not prescribe or otherwise require—

(i) the use of specific solutions;

(ii) the use of specific information technology products or services; or

(iii) that information technology products or services be designed, developed, or manufactured in a particular manner.

(2) LIMITATION.—Information shared with or provided to the Director of the National Institute of Standards and Technology or the Secretary of Homeland Security for the purpose of the activities under paragraph (1) may not be used by any Federal, State, or local government department or agency to regulate the activity of any private entity.

(b) AMENDMENT.—

(1) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002, as amended by sections 102, 103, 104, and 105, is further amended by adding at the end the following new section:

"SEC. 230. PUBLIC-PRIVATE COLLABORATION ON CYBERSECURITY.

"(a) MEETINGS.—The Secretary shall meet with the Sector Coordinating Council for each critical infrastructure sector designated under section 227(b) on a biannual basis to discuss the cybersecurity threat to critical infrastructure, voluntary activities to address cybersecurity, and ideas to improve the public-private partnership to enhance cybersecurity, in which the Secretary shall—

"(1) provide each Sector Coordinating Council an assessment of the cybersecurity threat to each critical infrastructure sector designated under section 227(b), including information relating to—

"(A) any actual or assessed cyber threat, including a consideration of adversary capability and intent, preparedness, target attractiveness, and deterrence capabilities;

"(B) the extent and likelihood of death, injury, or serious adverse effects to human health and safety caused by an act of terrorism or other disruption, destruction, or unauthorized use of critical infrastructure;

"(C) the threat to national security caused by an act of terrorism or other disruption, destruction, or unauthorized use of critical infrastructure; and

"(D) the harm to the economy that would result from an act of terrorism or other disruption, destruction, or unauthorized use of critical infrastructure; and

"(2) provide recommendations, which may be voluntarily adopted, on ways to improve cybersecurity of critical infrastructure.

"(b) REPORT.—

"(1) IN GENERAL.—Starting 30 days after the end of the fiscal year in which the National Cybersecurity and Critical Infrastructure Protection Act of 2013 is enacted and annually thereafter, the Secretary shall submit to the appropriate congressional committees a report on the state of cybersecurity for each critical infrastructure sector designated under section 227(b) based on discussions between the Department and the Sector Coordinating Council in accordance with subsection (a) of this section. The Secretary shall maintain a public copy of each report, and each report may include a nonpublic annex for proprietary, business-sensitive information, or other sensitive information. Each report shall include, at a minimum information relating to—

"(A) the risk to each critical infrastructure sector, including known cyber threats, vulnerabilities, and potential consequences;

"(B) the extent and nature of any cybersecurity incidents during the previous year, including the extent to which cyber incidents jeopardized or imminently jeopardized information systems;

"(C) the current status of the voluntary, industry-led set of standards, guidelines, best practices, methodologies, procedures, and processes to reduce cyber risks within each critical infrastructure sector; and

"(D) the volume and range of voluntary technical assistance sought and provided by the Department to each critical infrastructure sector.

"(2) SECTOR COORDINATING COUNCIL RESPONSE.—Before making public and submitting each report required under paragraph (1), the Secretary shall provide a draft of each report to the Sector Coordinating Council for the critical infrastructure sector covered by each such report. The Sector Coordinating Council at issue may provide to the Secretary a written response to such report within 45 days of receiving the draft. If such Sector Coordinating Council provides a written response, the Secretary shall include such written response in the final version of each report required under paragraph (1).

"(c) LIMITATION.—Information shared with or provided to a Sector Coordinating Council, a critical infrastructure sector, or the Secretary for the purpose of the activities under subsections (a) and (b) may not be used by any Federal, State, or local government department or agency to regulate the activity of any private entity.".

(2) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding after the item relating to section 229 (as added by section 105) the following new item:

"Sec. 230. Public-private collaboration on cybersecurity.".

SEC. 202. SAFETY ACT AND QUALIFYING CYBER INCIDENTS.

(a) IN GENERAL.—The Support Anti-Terrorism By Fostering Effective Technologies Act of 2002 (6 U.S.C. 441 et seq.) is amended—

(1) in section 862(b) (6 U.S.C. 441(b))—

(A) in the heading, by striking "DESIGNATION OF QUALIFIED ANTI-TERRORISM TECHNOLOGIES" and inserting "DESIGNATION OF ANTI-TERRORISM AND CYBERSECURITY TECHNOLOGIES";

(B) in the matter preceding paragraph (1), by inserting "and cybersecurity" after "anti-terrorism";

(C) in paragraphs (3), (4), and (5), by inserting "or cybersecurity" after "anti-terrorism" each place it appears; and

(D) in paragraph (7)—

(i) by inserting "or cybersecurity technology" after "Anti-terrorism technology"; and

(ii) by inserting "or qualifying cyber incidents" after "acts of terrorism";

(2) in section 863 (6 U.S.C. 442)—

(A) by inserting "or cybersecurity" after "anti-terrorism" each place it appears;

(B) by inserting "or qualifying cyber incident" after "act of terrorism" each place it appears; and

(C) by inserting "or qualifying cyber incidents" after "acts of terrorism" each place it appears;

(3) in section 864 (6 U.S.C. 443)—

(A) by inserting "or cybersecurity" after "anti-terrorism" each place it appears; and

(B) by inserting "or qualifying cyber incident" after "act of terrorism" each place it appears; and

(4) in section 865 (6 U.S.C. 444)—

(A) in paragraph (1)—

(i) in the heading, by inserting ''OR CYBERSECURITY'' after ''ANTI-TERRORISM'';

(ii) by inserting ''or cybersecurity'' after ''anti-terrorism'';

(iii) by inserting ''or qualifying cyber incidents'' after ''acts of terrorism''; and

(iv) by inserting ''or incidents'' after ''such acts''; and

(B) by adding at the end the following new paragraph:

''(7) QUALIFYING CYBER INCIDENT.—

''(A) IN GENERAL.—The term 'qualifying cyber incident' means any act that the Secretary determines meets the requirements under subparagraph (B), as such requirements are further defined and specified by the Secretary.

''(B) REQUIREMENTS.—A qualifying cyber incident meets the requirements of this subparagraph if—

''(i) the incident is unlawful or otherwise exceeds authorized access authority;

''(ii) the incident disrupts or imminently jeopardizes the integrity, operation, confidentiality, or availability of programmable electronic devices, communication networks, including hardware, software and data that are essential to their reliable operation, electronic storage devices, or any other information system, or the information that system controls, processes, stores, or transmits;

''(iii) the perpetrator of the incident gains access to an information system or a network of information systems resulting in—

''(I) misappropriation or theft of data, assets, information, or intellectual property;

''(II) corruption of data, assets, information, or intellectual property;

''(III) operational disruption; or

''(IV) an adverse effect on such system or network, or the data, assets, information, or intellectual property contained therein; and

''(iv) the incident causes harm inside or outside the United States that results in material levels of damage, disruption, or casualties severely affecting the United States population, infrastructure, economy, or national morale, or Federal, State, local, or tribal government functions.

''(C) RULE OF CONSTRUCTION.—For purposes of clause (iv) of subparagraph (B), the term 'severely' includes any qualifying cyber incident, whether at a local, regional, state, national, international, or tribal level, that affects—

''(i) the United States population, infrastructure, economy, or national morale, or

''(ii) Federal, State, local, or tribal government functions.''.

(b) FUNDING.—Of the amounts authorized to be appropriated for each of fiscal years 2014, 2015, and 2016 for the Department of Homeland Security, the Secretary of Homeland Security is authorized to use not less than $20,000,000 for any such year for the Department's SAFETY Act Office.

SEC. 203. PROHIBITION ON NEW REGULATORY AUTHORITY.

This Act and the amendments made by this Act (except that this section shall not apply in the case of section 202 of this Act and the amendments made by such section 202) do not—

(1) create or authorize the issuance of any new regulations or additional Federal Government regulatory authority; or

(2) permit regulatory actions that would duplicate, conflict with, or supercede regulatory requirements, mandatory standards, or related processes.

SEC. 204. PROHIBITION ON ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act. This Act and such amendments shall be carried out using amounts otherwise available for such purposes.

SEC. 205. PROHIBITION ON COLLECTION ACTIVITIES TO TRACK INDIVIDUALS' PERSONALLY IDENTIFIABLE INFORMATION.

Nothing in this Act shall permit the Department of Homeland Security to engage in the monitoring, surveillance, exfiltration, or other collection activities for the purpose of tracking an individual's personally identifiable information.

SEC. 206. CYBERSECURITY SCHOLARS.

The Secretary of Homeland Security shall determine the feasibility and potential benefit of developing a visiting security researchers program from academia, including cybersecurity scholars at the Department of Homeland Security's Centers of Excellence, as designated by the Secretary, to enhance knowledge with respect to the unique challenges of addressing cyber threats to critical infrastructure. Eligible candidates shall possess necessary security clearances and have a history of working with Federal agencies in matters of national or domestic security.

SEC. 207. NATIONAL RESEARCH COUNCIL STUDY ON THE RESILIENCE AND RELIABILITY OF THE NATION'S POWER GRID.

(a) INDEPENDENT STUDY.—Not later than 60 days after the date of the enactment of this Act, the Secretary of Homeland Security, in coordination with the heads of other departments and agencies, as necessary, shall enter into an agreement with the National Research Council to conduct research of the future resilience and reliability of the Nation's electric power transmission and distribution system. The research under this subsection shall be known as the ''Saving More American Resources Today Study'' or the ''SMART Study''. In conducting such research, the National Research Council shall—

(1) research the options for improving the Nation's ability to expand and strengthen the capabilities of the Nation's power grid, including estimation of the cost, time scale for implementation, and identification of the scale and scope of any potential significant health and environmental impacts;

(2) consider the forces affecting the grid, including technical, economic, regulatory, environmental, and geopolitical factors, and how such forces are likely to affect—

(A) the efficiency, control, reliability and robustness of operation;

(B) the ability of the grid to recover from disruptions, including natural disasters and terrorist attacks;

(C) the ability of the grid to incorporate greater reliance on distributed and intermittent power generation and electricity storage;

(D) the ability of the grid to adapt to changing patterns of demand for electricity; and

(E) the economic and regulatory factors affecting the evolution of the grid;

(3) review Federal, State, industry, and academic research and development programs and identify technological options that could improve the future grid;

(4) review studies and analyses prepared by the North American Electric Reliability Corporation (NERC) regarding the future resilience and reliability of the grid;

(5) review the implications of increased reliance on digital information and control of the power grid for improving reliability, resilience, and congestion and for potentially increasing vulnerability to cyber attack;

(6) review regulatory, industry, and institutional factors and programs affecting the future of the grid;

(7) research the costs and benefits, as well as the strengths and weaknesses, of the options identified under paragraph (1) to address the emerging forces described in paragraph (2) that are shaping the grid;

(8) identify the barriers to realizing the options identified and suggest strategies for overcoming those barriers including suggested actions, priorities, incentives, and possible legislative and executive actions; and

(9) research the ability of the grid to integrate existing and future infrastructure, including utilities, telecommunications lines, highways, and other critical infrastructure.

(b) COOPERATION AND ACCESS TO INFORMATION AND PERSONNEL.—The Secretary shall ensure that the National Research Council receives full and timely cooperation, including full access to information and personnel, from the Department of Homeland Security, the Department of Energy, including the management and operating components of the Departments, and other Federal departments and agencies, as necessary, for the purposes of conducting the study described in subsection (a).

(c) REPORT.—

(1) IN GENERAL.—Not later than 18 months from the date on which the Secretary enters into the agreement with the National Research Council described in subsection (a), the National Research Council shall submit to the Secretary and the Committee on Homeland Security and the Committee on Energy and Commerce of the House of Representatives and the Committee on Homeland Security and Governmental Affairs and the Committee on Energy and Natural Resources of the Senate a report containing the findings of the research required by that subsection.

(2) FORM OF REPORT.—The report under paragraph (1) shall be submitted in unclassified form, but may include a classified annex.

(d) FUNDING.—Of the amounts authorized to be appropriated for 2014 for the Department of Homeland Security, the Secretary of Homeland Security is authorized to obligate and expend not more than $2,000,000 for the National Research Council report.

TITLE III—HOMELAND SECURITY CYBERSECURITY WORKFORCE

SEC. 301. HOMELAND SECURITY CYBERSECURITY WORKFORCE.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002, as amended by sections 101, 102, 103, 104, 105, and 201, is further amended by adding at the end the following new section:

''SEC. 230A. CYBERSECURITY OCCUPATION CATEGORIES, WORKFORCE ASSESSMENT, AND STRATEGY.

''(a) SHORT TITLE.—This section may be cited as the 'Homeland Security Cybersecurity Boots-on-the-Ground Act'.

''(b) CYBERSECURITY OCCUPATION CATEGORIES.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the Secretary shall develop and issue comprehensive occupation categories for individuals performing activities in furtherance of the cybersecurity mission of the Department.

''(2) APPLICABILITY.—The Secretary shall ensure that the comprehensive occupation categories issued under paragraph (1) are used throughout the Department and are made available to other Federal agencies.

''(c) CYBERSECURITY WORKFORCE ASSESSMENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section and annually thereafter, the Secretary shall assess the readiness and capacity of the workforce of the Department to meet its cybersecurity mission.

''(2) CONTENTS.—The assessment required under paragraph (1) shall, at a minimum, include the following:

''(A) Information where cybersecurity positions are located within the Department, specified in accordance with the cybersecurity occupation categories issued under subsection (b).

''(B) Information on which cybersecurity positions are—

''(i) performed by—

''(I) permanent full time departmental employees, together with demographic information about such employees' race, ethnicity, gender, disability status, and veterans status;

''(II) individuals employed by independent contractors; and

''(III) individuals employed by other Federal agencies, including the National Security Agency; and

''(ii) vacant.

''(C) The number of individuals hired by the Department pursuant to the authority granted to the Secretary in 2009 to permit the Secretary to fill 1,000 cybersecurity positions across the Department over a three year period, and information on what challenges, if any, were encountered with respect to the implementation of such authority.

''(D) Information on vacancies within the Department's cybersecurity supervisory workforce, from first line supervisory positions through senior departmental cybersecurity positions.

''(E) Information on the percentage of individuals within each cybersecurity occupation category who received essential training to perform their jobs, and in cases in which such training is not received, information on what challenges, if any, were encountered with respect to the provision of such training.

''(F) Information on recruiting costs incurred with respect to efforts to fill cybersecurity positions across the Department in a manner that allows for tracking of overall recruiting and identifying areas for better coordination and leveraging of resources within the Department.

''(d) WORKFORCE STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop, maintain, and, as necessary, update, a comprehensive workforce strategy that enhances the readiness, capacity, training, recruitment, and retention of the cybersecurity workforce of the Department.

''(2) CONTENTS.—The comprehensive workforce strategy developed under paragraph (1) shall include—

''(A) a multiphased recruitment plan, including relating to experienced professionals, members of disadvantaged or underserved communities, the unemployed, and veterans;

''(B) a 5-year implementation plan;

''(C) a 10-year projection of the Department's cybersecurity workforce needs; and

''(D) obstacles impeding the hiring and development of a cybersecurity workforce at the Department.

''(e) INFORMATION SECURITY TRAINING.—Not later than 270 days after the date of the enactment of this section, the Secretary shall establish and maintain a process to verify on an ongoing basis that individuals employed by independent contractors who serve in cybersecurity positions at the Department receive initial and recurrent information security training comprised of general security awareness training necessary to perform their job functions, and role-based security training that is commensurate with assigned responsibilities. The Secretary shall maintain documentation to ensure that training provided to an individual under this subsection meets or exceeds requirements for such individual's job function.

''(f) UPDATES.—The Secretary shall submit to the appropriate congressional committees annual updates regarding the cybersecurity workforce assessment required under subsection (c), information on the progress of carrying out the comprehensive workforce strategy developed under subsection (d), and information on the status of the implementation of the information security training required under subsection (e).

''(g) GAO STUDY.—The Secretary shall provide the Comptroller General of the United States with information on the cybersecurity workforce assessment required under subsection (c) and progress on carrying out the comprehensive workforce strategy developed under subsection (d). The Comptroller General shall submit to the Secretary and the appropriate congressional committees a study on such assessment and strategy.

''(h) CYBERSECURITY FELLOWSHIP PROGRAM.—Not later than 120 days after the date of the enactment of this section, the Secretary shall submit to the appropriate congressional committees a report on the feasibility of establishing a Cybersecurity Fellowship Program to offer a tuition payment plan for undergraduate and doctoral candidates who agree to work for the Department for an agreed-upon period of time.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding after the item relating to section 230 (as added by section 201) the following new item:

''Sec. 230A. Cybersecurity occupation categories, workforce assessment, and strategy.''.

SEC. 302. PERSONNEL AUTHORITIES.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002, as amended by sections 101, 102, 103, 104, 105, 106, 201, and 301 is further amended by adding at the end the following new section:

''SEC. 230B. PERSONNEL AUTHORITIES.

''(a) IN GENERAL.—

''(1) PERSONNEL AUTHORITIES.—The Secretary may exercise with respect to qualified employees of the Department the same authority that the Secretary of Defense has with respect to civilian intelligence personnel and the scholarship program under sections 1601, 1602, 1603, and 2200a of title 10, United States Code, to establish as positions in the excepted service, appoint individuals to such positions, fix pay, and pay a retention bonus to any employee appointed under this section if the Secretary determines that such is needed to retain essential personnel. Before announcing the payment of a bonus under this paragraph, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a written explanation of such determination. Such authority shall be exercised—

''(A) to the same extent and subject to the same conditions and limitations that the Secretary of Defense may exercise such authority with respect to civilian intelligence personnel of the Department of Defense; and

''(B) in a manner consistent with the merit system principles set forth in section 2301 of title 5, United States Code.

''(2) CIVIL SERVICE PROTECTIONS.—Sections 1221 and 2302, and chapter 75 of title 5, United States Code, shall apply to the positions established pursuant to the authorities provided under paragraph (1).

''(3) PLAN FOR EXECUTION OF AUTHORITIES.—Not later than 120 days after the date of the enactment of this section, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains a plan for the use of the authorities provided under this subsection.

''(b) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section and annually thereafter for four years, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a detailed report (including appropriate metrics on actions occurring during the reporting period) that discusses the processes used by the Secretary in implementing this section and accepting applications, assessing candidates, ensuring adherence to veterans' preference, and selecting applicants for vacancies to be filled by a qualified employee.

''(c) DEFINITION OF QUALIFIED EMPLOYEE.—In this section, the term 'qualified employee' means an employee who performs functions relating to the security of Federal civilian information systems, critical infrastructure information systems, or networks of either of such systems.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding after the item relating to section 230A (as added by section 301) the following new item:

''Sec. 230B. Personnel authorities.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. MCCAUL) and the gentlewoman from New York (Ms. CLARKE) each will control 20 minutes.

The Chair recognizes the gentleman from Texas.

GENERAL LEAVE

Mr. MCCAUL. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. MCCAUL. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 3696, the National Cybersecurity and Critical Infrastructure Protection Act of 2014. I have worked on this for a long time and introduced this bill with my good friend and colleague, the chairman of the Cybersecurity Subcommittee, the gentleman from Pennsylvania, Congressman PAT MEEHAN. I would also like to thank Ranking Member THOMPSON, as well as Ranking Member CLARKE of the Cybersecurity Subcommittee, for all their hard work in forging this bipartisan bill. These efforts once again prove that we can work together, despite our differences, to craft legislation that improves our national security and helps protect American critical infrastructure from devastating cyber attacks.

Just last week, the Homeland Security Committee heard testimony that we are at a pre-9/11 mindset when it comes to cybersecurity and that the government needs to do a better job at warning the public about the dangers of attacks on networks we rely upon. That was from the 9/11 Commission itself.

Cyber vulnerabilities in our Nation's critical infrastructure are an Achilles heel in our homeland security defenses. Let me be very clear. The cyber threat is real and it is happening right now. The Internet has become the next battlefield for warfare, but unlike land, sea, and air, cyber attacks occur at the speed of light, they are global, and they are more difficult to attribute.

Criminals, hacktivists, terrorists, and nation-state actors such as Russia, China, and Iran are increasingly using malicious malware to hack into U.S. companies for espionage purposes or financial gain, our defense systems to steal our sensitive military information, and our critical infrastructure to gain access to our gas lines, power grids, and water systems.

Iranian hackers, for example, continue to attack the American financial services sector to shut down Web sites and restrict America's access to their bank accounts. Additionally, Iran continues to build more sophisticated cyber weapons to target U.S. energy companies and has demonstrated these capabilities when they attacked Saudi Arabia's national oil company, Aramco, and erased critical files on 30,000 computers. We cannot allow rogue nations like Iran to be able to shut things down and have capabilities that match our defenses. That would be a game-changer for our national security.

The Chinese, in particular, are hacking into major U.S. companies to give their industries competitive economic advantages in our global economy. I applaud the recent efforts taken by the Justice Department for indicting five members of the Chinese government for conducting cyber espionage attacks against U.S. industry, but more needs to be done. Those indictments send a clear message to our adversaries that cyber espionage and theft of American intellectual property, trade secrets, military blueprints, and jobs will not be tolerated.

A recent McAfee and Center for Strategic and International Studies report on the economic impact of cyber crime found an annual effect of roughly $455 billion globally, with 200,000 jobs lost in the United States alone as a result. In fact, former Director of the NSA, General Keith Alexander, described cyber espionage and the loss of American intellectual property and innovation as ''the greatest transfer of wealth in history.''

A recent poll conducted by Defense News revealed that our top Nation's top security analysts see cyber attacks as the greatest threat to our Nation. In fact, Director of National Intelligence, James Clapper, testified earlier this year that: ''Critical infrastructure, particularly the systems used in water management, oil, and gas pipelines, electrical power distribution, and mass transit, provides an enticing target to malicious actors.''

□ 1645

A cyber attack on U.S. critical infrastructure—such as gas pipelines, financial services, transportation, and communication networks—could result in catastrophic regional or national effects on public health or safety, economic security, and national security.

High-profile retail breaches like the ones at Target and Neiman Marcus that compromised the personal information of over 110 million American consumers resonate with Americans, but as bad as those breaches were, a successful cyber attack on our critical infrastructure could cause much more damage in terms of lives lost and monetary damage. We cannot and will not wait for a catastrophic 9/11-scaled cyber attack to occur before moving greatly needed cybersecurity legislation.

The National Cybersecurity and Critical Infrastructure Protection Act ensures that DHS and not the military is responsible for domestic critical infrastructure protection.

Specifically, H.R. 3696 ensures that there is a ''civilian interface'' to the private sector to share real-time cyber threat information across the critical infrastructure sectors, particularly in light of the Snowden revelations.

Importantly, the bill protects civil liberties by putting a civilian agency with the Nation's most robust privacy and civil liberties office in charge of preventing personal information from being shared. While also prohibiting any new regulatory authority, this bill builds upon the groundwork already laid by industry and DHS to facilitate critical infrastructure protection and incidence response efforts.

This bipartisan bill, which is rare in this day and age, Mr. Speaker, is a product of 19 months of extensive outreach and great collaboration with all stakeholders, including more than 300 meetings with experts, industry, government agencies, academics, privacy advocates, and other committees of jurisdiction.

We went through several drafts and countless hours of negotiations to bring this commonsense legislation to the floor with support from all of the critical infrastructure sectors.

I will enter in the RECORD some of the letters of support, representing over 33 trade associations from across industry sectors, U.S. businesses, national security experts, and privacy and civil liberty advocates.

Specifically, we have received support letters from the American Civil Liberties Union, the American Chemistry Council, AT&T, Boeing, Con Edison, the Depository Trust and Clearing Corporation, GridWise Alliance, and multiple trade associations in the energy sector and the financial services sector, Information Technology Industry Council, the Internet Security Alliance, Rapid7, National Defense Industrial Association, Professional Services Council, Oracle, Entergy, Pepco, Verizon, and Symantec.

I believe that is a very impressive showing on behalf of the privacy advocates and also the private sector.

AMERICAN CIVIL LIBERTIES UNION,
January 14, 2014.

Re H.R. 3696, the ''National Cybersecurity and Critical Infrastructure Protection Act of 2013'' (NCCIP Act)

Hon. MICHAEL MCCAUL, Chairman,
Hon. BENNIE THOMPSON, Ranking Member,
Hon. PATRICK MEEHAN, Subcommittee Chairman,
Hon. YVETTE CLARKE, Subcommittee Ranking Member,
House Homeland Security Committee, Washington, DC.

DEAR CHAIRMEN AND RANKING MEMBERS: On behalf of the American Civil Liberties Union (ACLU), its over half a million members, countless additional supporters and activists, and 53 affiliates nationwide, we write in regard to H.R. 3696, the National Cybersecurity and Critical Infrastructure Protection Act of 2013 (NCCIP Act). We have reviewed this legislation and have found that information sharing provisions in this bill do not undermine current privacy laws.

As we testified before the Committee last year, it is crucial that civilian agencies like the Department of Homeland Security lead domestic cybersecurity efforts and the NCCIP Act makes strides towards that end. The bill directs DHS to coordinate cybersecurity efforts among non-intelligence government agencies and critical infrastructure entities. The NCCIP Act smartly does that by focusing on coordination and information sharing within current law and leveraging existing structures that have proven successful in the past. Unlike H.R. 624, the Cyber Intelligence Sharing and Protection Act (CISPA), your bill does not create broad exceptions to the privacy laws for cybersecurity. Instead, it strengthens private-public partnerships by supporting existing Information Sharing and Analysis Centers and Sector Coordinating Councils and reinforces voluntary sharing under current statutes that already provide for many cybersecurity scenarios.

We commend the Committee for advancing cyber legislation that is both pro-security and pro-privacy and we look forward to working with you further on this matter. Please contact Michelle Richardson, Legislative Counsel, at 202–715–0825 or mrichardson@aclu.org for more information.

Sincerely,

LAURA W. MURPHY,
Director,
MICHELLE RICHARDSON,
Legislative Counsel.

AMERICAN GAS ASSOCIATION, EDISON ELECTRIC INSTITUTE, AMERICAN PUBLIC POWER ASSOCIATION, NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION,
January 8, 2014.

Hon. MICHAEL MCCAUL,
Chairman, House Committee on Homeland Security, Washington, DC.
Hon. BENNIE G. THOMPSON,
Ranking Member, House Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN MCCAUL AND RANKING MEMBER THOMPSON: We write to thank you and your colleagues for your outreach in drafting H.R. 3696, the ''National Cybersecurity and Critical Infrastructure Protection Act of 2013'' (the ''NCCIP Act'').

Like you, we are very focused on protecting the nation's critical energy infrastructure from the impacts of a cyber event. While thankfully the nation has yet to experience a cyber attack that has damaged infrastructure, we appreciate that the House

Committee on Homeland Security has taken the time and effort to craft legislation that attempts to help address the preparedness for and response to such events should they occur in the future.

The undersigned associations represent the vast majority of electric and gas utilities. We are proud of the efforts our members have undertaken, collectively and individually, to improve the reliability and resiliency of their systems. In the gas sector, this encompasses a variety of public, private and, jointly developed public-private sector cybersecurity standards designed to protect pipeline infrastructure and ensure safe and reliable gas delivery. In the electric sector, this includes mandatory and enforceable cybersecurity standards already in place. Developed by the North American Electric Reliability Corporation for review and approval by the Federal Energy Regulatory Commission and applicable Canadian governmental authorities, these standards ensure that owners, users, and operators of the North American bulk electric system meet a baseline level of security.

Even considering those measures, the issue of liability after a cyber event creates serious concerns for us and our members. In particular, we are deeply concerned that no matter what steps are taken, our members could face costly and unnecessary litigation in state or federal courts after a cyber event that would serve no purpose.

Therefore, we applaud Section II of the NCCIP Act, specifically the section seeking to clarify the scope of the Support Anti-Terrorism By Fostering Effective Technologies Act of 2002 (the ''SAFETY Act''). The language of the SAFETY Act statute as well as its Final Rule have always made clear that the protections offered by the law applies to cyber events, and indeed that the SAFETY Act applies regardless of whether a ''terrorist'' group conducted such an attack. However, in practice there has been some hesitancy on the part of industry to utilize the SAFETY Act to protect against federal claims arising out of cyber attacks due to the requirement that the attack be deemed an ''act of terrorism'' by the Secretary of Homeland Security before liability protections become available.

The decision to include in H.R. 3696 a provision that explicitly allows the Secretary of Homeland Security to declare that a ''qualifying cyber incident'' triggers the liability protections of the SAFETY Act is an excellent one. Removing the need to link a cyber attack to an ''act of terrorism'' is a good step. While state liability actions remain a concern, the industry and vendors of cyber security technologies and services will be much more likely to use the SAFETY Act program, thereby fulfilling the law's original intent of promoting the widespread deployment of products and services that can deter, defend against, respond to, mitigate, defeat, or otherwise mitigate a variety of malicious events, including those related to cyber security.

We share your goal of protecting the nation's critical infrastructure from cyber threats and appreciate your efforts to address this important national security issue. We look forward to continuing to work together to ensure H.R. 3696 remains focused on these principles as it moves through the legislative process.

Respectfully,

AMERICAN GAS ASSOCIATION,
AMERICAN PUBLIC POWER ASSOCIATION,
EDISON ELECTRIC INSTITUTE,
NATIONAL RURAL ELECTRIC COOPERATIVE ASSOCIATION.

AT&T SERVICES, INC.,
Washington, DC, January 8, 2014.

Hon. MICHAEL T. MCCAUL,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN MCCAUL: We applaud you and your staff for working so hard to update and streamline the Homeland Security Act of 2002 to address today's cyber security challenges. In your efforts to update the important role of the Department of Homeland Security within the national policy framework for critical infrastructure protection, you and your staff have actively listened to multiple stakeholder concerns to ensure that the best aspects of existing private public partnerships, which are the hallmark of our nation's efforts to address cyber threats, remain as such.

Your bill joins other important items introduced by your colleagues in the 113th Congress. We look forward to continuing to work with you and your colleagues to forge a bipartisan legislative framework for the practice of cybersecurity in the coming decade that encourages continued private sector investment in innovation and cyber education and provides legal clarity in the day-to-day operational world of identifying and addressing cyber threats in a globally interconnected network of networks.

Sincerely,

TIMOTHY P. MCKONE.

JANUARY 13, 2014.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, U.S. House of Representatives, Washington, DC.

Hon. BENNIE THOMPSON,
Ranking Member, Committee on Homeland Security, U.S. House of Representatives, Washington, DC.

DEAR CHAIRMAN MCCAUL AND RANKING MEMBER THOMPSON: The undersigned organizations, representing the financial services industry, appreciate your efforts to introduce H.R. 3696, the National Cybersecurity and Critical Infrastructure Protection Act. We welcome your leadership in this crucial fight against cyber threats and your work in forging this commonsense, bipartisan legislation.

While Congress considers much needed legislative action, our associations and the financial services industry have taken major steps to address the cybersecurity threats facing the Nation's critical infrastructure. The financial services sector continues to invest in our infrastructure, has improved coordination among institutions of all sizes, and is continually enhancing our partnerships with government.

H.R. 3696 recognizes the necessary partnership between the private and public sectors that is required to better protect our Nation's cybersecurity infrastructure. Among other provisions, this bill would strengthen existing mechanisms such as the Financial Services Sector Coordinating Council (FSSCC) and the Financial Services Information Sharing and Analysis Center (FS–ISAC) that help our sector identify threats, respond to cyber incidents and coordinate with government partners. These organizations work closely with partners throughout the government, including our sector specific agency, the Department of Treasury, as well as the Department of Homeland Security. Each agency has a civilian mission and plays a unique role in sector cybersecurity efforts and both work to strengthen the sector's understanding of the threat environment.

Additionally H.R. 3696 seeks to improve the provisioning of security clearances for those involved in cybersecurity information sharing. Your recognition that this is a system that demands improvement is strongly supported by our industry and we further encourage the expansion of this to specifically include individuals within critical infrastructure responsible for key aspects of network defense or mitigation. It is essential that all sizes of institutions within critical infrastructure receive access to classified threat information in a timely manner.

Finally, H.R. 3696 expands the existing Support Anti-Terrorism by Fostering Effective Technologies Act (SAFETY Act) to provide important legal liability protections for providers and users of certified cybersecurity technology in the event of a qualified Cybersecurity incident. We urge Congress to work with the Department of Homeland Security to ensure that, should this provision be adopted, the expanded SAFETY Act is implemented in a manner that does not duplicate or conflict with existing regulatory requirements, mandatory standards, or the evolving voluntary National Institute for Standards and Technology (NIST) Cybersecurity Framework. An expansion of the program must be coupled with additional funding to enable DHS to handle the increased scope of program and subsequent increase in applicants. Further, it is incumbent that an expansion enables DHS to streamline its SAFETY Act review and approval process so as not to discourage participation in the program.

Our sector has actively engaged in the implementation of Executive Order 13636 and the development by the National Institute of Standards and Technology of a Cybersecurity Framework. We believe the process outlined in H.R. 3696 should reflect the Framework developed through this cross-sector collaborative process.

Each of our organizations and respective member firms have made cybersecurity a top priority. We are committed to working with you as you lead in this crucial fight for cybersecurity of critical infrastructure.

American Bankers Association, The Clearing House, Consumer Bankers Association, Credit Union National Association (CUNA), Electronic Funds Transfer Association, Financial Services—Information Sharing and Analysis Center (FS–ISAC), Financial Services Roundtable, Independent Community Bankers Association (ICBA) Investment Company Institute, NACHA—The Electronic Payments Association, National Association of Federal Credit Unions (NAFCU), Securities Industry and Financial Markets Association (SIFMA).

Mr. MCCAUL. I want to give a great deal of thanks not only to the Members involved, but to the staff on this committee on both sides of the aisle who have worked countless hours to bring this bill to its fruition on the floor of the House.

I also would like to bring special attention to the endorsement from the ACLU. They refer to H.R. 3696 as ''both pro-security and pro-privacy.'' When have we heard these two coming together?

Striking a balance between security and privacy, I believe, is one of the most difficult challenges in developing cybersecurity legislation, and I am so very proud that this committee and this bill achieves that goal.

I want to close with the threat that I see out there from cyber. People ask me: What keeps you up at night? We can talk about al Qaeda, Mr. Putin, or

ISIS in Iraq and Syria, we can talk about our border and the threats south of the border, but when I see our offensive capability and what we can do offensively, knowing at night that we don't have the defensive capability to stop attacks not only to steal things, not only criminal IP theft, not just espionage, but the power to shut things down and to bring this country to its knees with a cyber 9/11, Mr. Speaker, is really what keeps me up at night.

My father was a World War II bombardier on a B–17. He flew over 32 missions in Europe in support of the D-day invasion and the Battle of the Bulge. In his days, bombs won that war.

We have a new kind of warfare out there. It is a digital warfare, and the game has changed. It is done anonymously. There are no boundaries to this cyber threat any more. It can come from anywhere, at any time, without being able to attribute it back to the source from where the attack came from.

This bill will for the first time codify DHS' ability—and the NCCIC, which is their cyber command, to better defend and support critical infrastructure in the United States that we so heavily depend on, and it will ultimately protect not only our economy and our infrastructure, but ultimately protect the American people.

With that, Mr. Speaker, I ask my colleagues to support this important legislation to protect America, and I reserve the balance of my time.

Ms. CLARKE of New York. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 3696, the National Cybersecurity and Critical Infrastructure Protection Act of 2014, and I am pleased to be here today as an original cosponsor of this legislation.

This bipartisan legislation gives the Department of Homeland Security the legislative authority it needs to carry out its cyber mission and to help protect our Nation's critical infrastructure from cyber attacks and intrusions.

The approach taken in this bill is very much in line with DHS' approach since 2007, when President Bush designated the Department as the lead Federal civilian agency for cybersecurity.

This is a dual mission. DHS is responsible for working with Federal civilian agencies to protect Federal IT networks and the dot-gov domain. At the same time, DHS is responsible for effectively partnering with the private sector to raise its level of cyber hygiene and foster greater cybersecurity.

I am pleased that H.R. 3696 authorizes the 247 operations of the National Cybersecurity and Communications Integration Center, also referred to as NCCIC. The NCCIC has been the epicenter for information sharing about the activities of cyberterrorists and criminals and the reporting of cyber incidents by critical infrastructure owners and operators.

Additionally, the bill codifies ongoing efforts to raise the level of cybersecurity within critical infrastructure sectors. Specifically, it authorizes the development and implementation, in coordination with the private sector, of voluntary risk-based security standards.

This provision essentially codifies the process that the National Institute of Standards and Technology, also known as NIST, undertook pursuant to an executive order that President Obama issued in February of 2013.

Under the approach taken in this bill, we are asking business and government to come together to find an adaptable and cooperative cybersecurity framework, not an off-the-shelf or check-the-box solution, to raise the level of cybersecurity across the Nation.

I am pleased that the measured and targeted approach taken to working with the private sector was supported by the American Civil Liberties Union, which called our bill ''pro-security and pro-privacy.''

The President said it best:

> It is the policy of the United States to enhance the security and resilience of the Nation's critical infrastructure and to maintain a cyber environment that encourages efficiency, innovation, and economic prosperity while promoting safety, security, business confidentiality, privacy, and civil liberties.

While I am also pleased about all we do with respect to the Department's mission to work with the private sector on cybersecurity, I am a bit disappointed that key language that clarifies DHS' roles with respect to other Federal agencies and protection of the dot-gov domain is not in the bill before you today.

Unfortunately, the striking of these provisions appears to have been the price the Committee on Homeland Security had to pay to get this important legislation to the floor.

It seems that the provisions that would have given DHS specific authority to respond in a more timely manner to Federal network breaches were opposed by another committee chairman. Unfortunately, that chairman has willfully chosen to ignore reality.

The reality is that since 2008, DHS has assumed responsibility for working with agencies to protect the dot-gov domain, not the Office of Management and Budget.

It is my hope that, as this legislation moves through the legislative process, there will be progress on efforts to ensure that the law reflects this reality.

With that, Mr. Speaker, I urge passage of H.R. 3696, and I reserve the balance of my time.

Mr. MCCAUL. Mr. Speaker, I yield such time as he may consume to the gentleman from Pennsylvania (Mr. MEEHAN), chairman of the Committee on Homeland Security's Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, who has spent, I must say, countless hours advancing this bill, meeting with the private sector and privacy groups to get to this point where we are today.

I want to commend you, sir, for a job well done.

Mr. MEEHAN. I want to thank the gentleman from Texas and my colleagues from both sides of the aisle.

Mr. Speaker, I rise in strong support of H.R. 3696, the National Cybersecurity and Critical Infrastructure Protection Act of 2014.

Before I really talk about the substance, I want to associate myself for a moment with the comments and very effective commentary of the gentleman from Texas (Mr. MCCAUL), but his closing, I think, really summed it up. It is not just what we are doing; but why does this matter? Why does this matter now?

We have generated tremendous economic prosperity by virtue of the creation of a global Internet, but the fact of the matter is that while this has closed our world and enabled instantaneous communications and other kinds of benefits, it has also created a situation, for the first time in the history of our Nation, in which we aren't protected by two oceans and, effectively, two friendly countries on our borders. Now, we are able to be accessed from anywhere in the world at a moment's notice.

It was instructive to me that I often used to say, when we were handling a case, that you let the evidence be put in through the words of the witnesses. If you pay attention to the words of the witness, that is more powerful than what you can say.

It is instructive to me that the first thing former CIA Director and former Secretary of Defense Leon Panetta did when he stepped down as Secretary of Defense was to travel to New York and warn not just New York, but this Nation about the potential impact of what he termed a ''cyber Pearl Harbor.''

As a result, this is a critically important and timely issue that we are working on. As importantly, it has been addressed in an effective bipartisan fashion.

In the wake of more aggressive and escalating cyber attacks on our Nation's critical infrastructure, including our financial systems, NASDAQ, and the recent Neiman Marcus and Target breaches of Americans' personal information, we bring H.R. 3696 to the House floor.

□ 1700

Cyber attacks and cyber hacks are now front and center in our homeland, and the media is reporting more now than ever on what cyber targets already know—that the threat is constant and evolving.

Americans expect Congress to act.

We who serve in Congress and government know all too well that the cyber threat is real and imminent and can do catastrophic damage and destruction to the critical infrastructure of our Nation—our bridges, tunnels, oil

and gas pipelines, water systems, financial systems and their markets, air traffic control systems, and more. Today, the U.S. House of Representatives takes a significant step forward in protecting and securing cyberspace through the cyber infrastructure act that we have put on the floor today.

I am very proud of this bill and of all of the good work and due diligence that went into it. Chairman MCCAUL and I and our staffs held over 300 stakeholder meetings to ensure we got this legislation right.

I want to thank as well my good friends on the other side of the aisle—Ranking Member BENNIE THOMPSON and subcommittee Ranking Member YVETTE CLARKE—for their leadership and their work collectively on this.

This is bipartisan legislation but not just amongst those of us working together here within the House. As the chairman identified, it has also been supported by private sector stakeholders, by the ACLU. In fact, the ACLU has called it—and the chairman as well—pro-security and pro-privacy. That is because, very notably, this bill puts the Department of Homeland Security, a civilian agency with the Nation's first-created and most robust privacy office, in charge of preventing personal information from getting inadvertently caught in the net, which is a big, important part of the work that has been done here.

This bill builds upon the Department of Homeland Security's unique public-private partnership in securing the Nation's critical infrastructure, and it codifies the Department's critical cybersecurity mission. Public-private is important, as 90 percent of the assets in the cyber world are in the private sector. The Department of Homeland Security works with the other Federal Government partners in a collaborative effort to secure our Nation against cyber attacks, and this bill cements DHS' critical role.

Specifically, this bill requires the Department to collaborate with industry to facilitate both the protection of our infrastructure and our response to a cyber attack. The bill, very importantly, strengthens DHS' civilian, transparent interface to allow real-time cyber threat sharing across the critical infrastructure sectors. This legislation also strengthens the integrity of our Nation's information systems, and it makes it more difficult for online hackers to compromise consumer and personal information, like we saw in Target, and it prevents hackers from stealing Americans' business and intellectual property—another point well driven home by the chairman in talking about jobs and of the hundreds of billions of dollars in research and development that are stolen from America by virtue of these cyber attacks.

The ability of these attacks to take place at the level of sophistication necessary to penetrate some of the world's most mature networks should come as no surprise. Foreign adversaries, including China, Iran, and Russian criminal enterprises, have spent years and have invested billions of dollars into crafting and securing the tools and intelligence necessary to target American citizens. Whether it is the theft of wealth or intelligence or that of launching a malicious attack on our Nation's energy, transportation, or chemical networks, American lives and livelihoods remain at risk without sufficient security.

Last year, President Obama issued an executive order on cybersecurity because Congress failed to act on this issue, but the threshold of securing our Nation in the 21st century cannot rely on executive orders and Presidential directives. As Members of Congress, we have the responsibility to act in a way that best protects the American citizens. Our enemies live and breathe to catch us asleep at the switch, and I am unwilling, as my colleagues are, to stand by, speechless, when they are asked, What did you do to prevent a cyber attack? Now is the time to show them what we have and what we can do.

This bill doesn't address every issue in cybersecurity, and it is not a comprehensive cybersecurity fix, but it is a giant and critical step forward. Together, we can unite our Nation against those who wish to do us harm, and I have no doubt that we can get it done. In fact, we have no other choice. I urge the support of H.R. 3696.

Mr. MCCAUL. Mr. Speaker, I have no further requests for time. I believe the gentlewoman from New York has a few additional speakers, so I am prepared to close once the gentlewoman does.

I continue to reserve the balance of my time.

Ms. CLARKE of New York. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from New Jersey (Mr. PAYNE).

Mr. PAYNE. Mr. Speaker, I rise in support of H.R. 3696, the National Cybersecurity and Critical Infrastructure Protection Act.

In October of 2012, Hurricane Sandy wreaked havoc up and down the east coast, including in my home State of New Jersey. According to the Department of Energy, between 2003 and 2012, close to 700 power outages occurred due to weather-related events, costing the Nation an annual average of $18 billion to $33 billion. Even worse, in 2012, Hurricane Sandy carried an estimated price tag of between $40 billion and $52 billion, and as we have seen recently, our power systems are exposed to cyber attacks more than ever before.

Disasters, whether manmade or by Mother Nature, are a drain on our Nation's economy and expose us to other potentially more harmful attacks on our financial industry, water and waste systems, chemical, telecommunications, and energy sectors. Put simply, it is clear that our electric grid needs an upgrade. That is why I am pleased that, during the committee process, the committee unanimously supported my amendment, H.R. 2962, the SMART Grid Study Act.

The study will be conducted by the National Research Council in full cooperation with the Department of Homeland Security and other government agencies as necessary, and will provide a comprehensive assessment of actions necessary to expand and strengthen the capabilities of the electric grid to prepare for, respond to, mitigate, and recover from a natural disaster or a cyber attack. Further, it was supported by the National Electrical Manufacturers Association, the Demand Response and Smart Grid Coalition, and the American Public Power Association.

The SPEAKER pro tempore. The time of the gentleman has expired.

Ms. CLARKE of New York. I yield the gentleman an additional 1 minute.

Mr. PAYNE. Mr. Speaker, in closing, I want to thank Chairman MCCAUL and Ranking Member THOMPSON, Chairman MEEHAN, and Ranking Member CLARKE for really showing us what a bipartisan effort is all about. At Homeland Security, we all have a common goal, which is to keep the homeland and the Nation safe. I urge my colleagues to support this bill.

Ms. CLARKE of New York. Mr. Speaker, I yield 2 minutes to the distinguished gentleman from Rhode Island (Mr. LANGEVIN), the cochair of the House Cybersecurity Caucus.

(Mr. LANGEVIN asked and was given permission to revise and extend his remarks.)

Mr. LANGEVIN. I thank the gentlewoman for yielding.

Mr. Speaker, I rise in strong support of H.R. 3696, H.R. 2952, and H.R. 3107.

I want to thank Ranking Member THOMPSON, Chairman MEEHAN, and Ranking Member CLARKE for their hard work in bringing these bills to the floor today.

Most especially and in particular, I want to thank Chairman MCCAUL, the chairman of the full Homeland Security Committee, who also serves with me as a founder and a cochair of the Congressional Cybersecurity Caucus. I want to thank him for his dedication to bringing these bills to the floor today and for his commitment to enacting strong cybersecurity legislation. In today's political climate, moving significant reform in a consensus manner is exceptionally difficult, and this success reflects Chairman MCCAUL's bipartisan approach.

Mr. Speaker, we all know that we depend on cyberspace and the Internet every day. It is vitally important to the American people. It is an inseparable part of our everyday lives. It is in everything that we do—vital to everything from banking to national security—but it is also highly contested. Unfortunately, the pace of the threats is ever-increasing. We see them every day, whether it is the theft of personal information or of credit card information that is used for criminal intent or

whether it is the theft of intellectual property that costs America its competitiveness and jobs. We also know of the threats to our critical infrastructure in particular, both to our electric grid and to our financial system—things that I have been calling attention to for years now.

We must tap into our creative and innovative spirit to address today's challenges and position ourselves to be agile in the face of both today's threats as well as tomorrow's. I believe that the three bills that are before us today, in conjunction with the information sharing and other measures passed by this House earlier in this Congress, will help to enable a better future for our Nation's cyberspace capabilities.

I know, Mr. Speaker, that we will never be 100 percent secure in cyberspace. It is an ever-evolving and moving threat, and we will never be 100 percent secure. Yet I do know this: that we can close that aperture of vulnerability down to something that is much more manageable, and I urge my colleagues to support the bills that are before us today.

I thank the gentleman from Texas for his leadership, and I strongly urge the support of these three bills.

Ms. CLARKE of New York. Mr. Speaker, I have no more speakers. If the gentleman from Texas has no more speakers, then, in closing, I urge the passage of H.R. 3696. It is legislation that will enhance DHS' ability to execute its cybersecurity mission. I am particularly pleased that it includes language that I authored to help ensure that DHS has the cyber workforce it needs to execute that mission.

I would like to thank Chairman MCCAUL and Ranking Member THOMPSON, as well as the subcommittee chair, Mr. MEEHAN, for their leadership and their vision, and for their understanding that this is something that keeps us up at night, that this is something that this body must move forward to address—that this is a 21st century threat for which we cannot sit idly by and do nothing about. Their leadership on H.R. 3696 and on the suite of cyber legislation on the floor today speaks volumes to moving us in the right direction.

With that, Mr. Speaker, I urge the passage of H.R. 3696, and I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, in closing, let me echo the sentiments of the gentlewoman from New York.

I want to thank you and Mr. MEEHAN for your work on this bill. You are truly the workhorses—the engines—behind this bill, and I want to thank you for helping us get to this point where we are today.

Congressman LANGEVIN, we were talking about cybersecurity before it was cool to talk about cybersecurity.

Forming the Cybersecurity Caucus, I think, raises awareness of Members of Congress about how important this issue really is, because, I think, when you talk about this issue, Mr. Speaker, people's eyes tend to glaze over. They don't understand how important this is in protecting the American people.

This is a national security bill. I don't believe partisan politics has a place in that. I was at The Aspen Institute with Jane Harman, who served on our committee and on the Intelligence Committee for many years, who also believes that our adversaries don't care whether we are Democrat or Republican. They care about the fact that we are Americans, and they want to hit us. We have adversaries who want to hit us—China, Russia, Iran, and countless others—in the cybersecurity space.

This is a pro-security and pro-privacy bill. I had a reporter ask me, How could you possibly get the ACLU to agree on any security bill? It protects Americans' privacy but also their security through the private civilian interface to the private sector, and that is how we do it. It is not through the military. The NSA has a foreign intelligence role, and the DHS has a domestic critical infrastructure role. Of course, Director Alexander called cybersecurity and what has happened in recent years the largest transfer of wealth in history.

□ 1715

So when the American people say: Why is this so important; the largest transfer of wealth in American history? Why is this so important? Because cyber can bring down things, can shut down things in a 9/11 style.

We have a historical moment in this Congress to pass the first cybersecurity bill through the House and Senate and be signed into law in the history of the Congress. As this bill passes—I hope, in a few minutes—and we send it over to the Senate, I hope our colleagues on the Senate side will respond to this.

They have made great progress on the Senate side in getting work done on cybersecurity. We have a unique opportunity and a great moment here to pass this bill out of the House, get it married with the Senate bill in a bipartisan way to protect the American people, and get it signed into law by the President, something that we very rarely have seen in this Congress. So I think it is a very historic moment.

To close, Mr. Speaker, when 9/11 happened, a lot of people did a lot of finger pointing around here and pointed to Members of Congress and to the executive branch and said: What did you do to stop this? What did you do to stop this?

We had a 9/11 Commission that pointed out all the vulnerabilities and the things that we didn't do as Members of Congress. I don't want that to happen again today. I want to be able to say, Mr. Speaker, if, God forbid, we get hit, and we get hit hard in a cyber attack against the United States of America, that we as Members of Congress and members of this committee did everything within our power to stop it.

Mr. Speaker, I am proud of the great work we have done together. I look forward to the passage of this bill.

I yield back the balance of my time.

HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, February 24, 2014.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN MCCAUL: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 3696, the ''National Cybersecurity and Critical Infrastructure Protection Act of 2013.'' The bill contains provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology.

I recognize and appreciate the desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, I will waive further consideration of this bill in Committee, notwithstanding any provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology. This waiver, of course, is conditional on our mutual understanding that agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology.

This waiver is also given with the understanding that the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 3696 as well as any similar or related legislation.

I ask that a copy of this letter and your response be included in the report on H.R. 3696 and also be placed in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

LAMAR SMITH,
Chairman, Committee on Science, Space, and Technology.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY
Washington, DC, February 24, 2014.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter regarding H.R. 3696, the ''National Cybersecurity and Critical Infrastructure Protection Act of 2014.'' I acknowledge your Committee's jurisdictional interest in this legislation and agree that by forgoing a sequential referral on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on H.R. 3696 does not in any way prejudice the Committee on Science, Space, and Technology with respect to its jurisdictional prerogatives on this bill or similar legislation in the future. I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving H.R. 3696 or similar legislation.

Finally, I will include your letter and this response in the report accompanying H.R. 3696 as well as the Congressional Record during consideration of this bill on the House floor. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Science, Space, and Technology as H.R. 3696 moves through the legislative process.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON OVERSIGHT AND GOVERNMENT REFORM,
Washington, DC, July 23, 2014.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR MR. CHAIRMAN: I am writing concerning H.R. 3696, the ''National Cybersecurity and Critical Infrastructure Protection Act of 2013,'' which your Committee reported on February 5, 2014.

H.R. 3696 contains provisions within the Committee on Oversight and Government Reform's Rule X jurisdiction. As a result of your having consulted with the Committee, and in order to expedite this bill for floor consideration, the Committee on Oversight and Government Reform will forego action on the bill, contingent on the removal of subsection (h) ''Protection of Federal Civilian Information Systems,'' (beginning at line 17 of page 23 of the reported version). This is being done on the basis of our mutual understanding that doing so will in no way diminish or alter the jurisdiction of the Committee on Oversight and Government Reform with respect to the appointment of conferees, or to any future jurisdictional claim over the subject matters contained in the bill or similar legislation.

I would appreciate your response to this letter confirming this understanding, and would request that you include a copy of this letter and your response in the Committee Report and in the Congressional Record during the floor consideration of this bill. Thank you in advance for your cooperation.

Sincerely,

DARRELL ISSA,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 23, 2014.

Hon. DARRELL E. ISSA,
Chairman, Committee on Oversight and Government Reform, Washington, DC.

DEAR CHAIRMAN ISSA: Thank you for your letter regarding the Committee on the Oversight and Government Reform's jurisdictional interest in H.R. 3696, the ''National Cybersecurity and Critical Infrastructure Protection Act of 2013.'' I acknowledge that by foregoing further action on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Oversight and Government Reform with respect to its jurisdictional prerogatives on this bill or similar legislation in the future. Moving forward, subsection (h), referred to in your letter, will be removed from H.R. 3696 prior to consideration on the House floor. As you have requested, I would support your effort to seek an appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

Finally, I will include your letter and this response in the report accompanying H.R. 3696 and in the Congressional Record during consideration of this bill on the House floor. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Oversight and Government Reform as H.R. 3696 moves through the legislative process.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON ENERGY AND COMMERCE,
Washington, DC, July 22, 2014.

Hon. MICHAEL T. MCCAUL,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN MCCAUL: I write concerning H.R. 3696, the ''National Cybersecurity and Critical Infrastructure Protection Act of 2014.'' As you are aware, the bill was referred primarily to the Committee on Homeland Security, but the Committee on Energy and Commerce has a jurisdictional interest in the bill and has requested a sequential referral.

However, given your desire to bring this legislation before the House in an expeditious manner, I will not insist on a sequential referral of H.R. 3696. I do so with the understanding that, by foregoing such a referral, the Committee on Energy and Commerce does not waive any jurisdictional claim on this or similar matters, and the Committee reserves the right to seek the appointment of conferees.

I would appreciate your response to this letter confirming this understanding, and ask that a copy of our exchange of letters on this matter be included in the Congressional Record during consideration of H.R. 3696 on the House floor.

Sincerely,

FRED UPTON,
Chairman.

HOUSE OF REPRESENTATIVES, COMMITTEE ON HOMELAND SECURITY,
Washington, DC, July 23, 2014.

Hon. FRED UPTON,
Chairman, Committee on Energy and Commerce, Washington, DC.

DEAR CHAIRMAN UPTON: Thank you for your letter regarding the Committee on Energy and Commerce's jurisdictional interest in H.R. 3696, the ''National Cybersecurity and Critical Infrastructure Protection Act of 2014.'' I acknowledge that by foregoing a sequential referral on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Energy and Commerce with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek an appointment of an appropriate number of conferees to any House-Senate conference involving this or similar legislation.

Finally, I will include your letter and this response in the Congressional Record during consideration of this bill on the House floor. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Energy and Commerce as H.R. 3696 moves through the legislative process.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 3696, the National Cybersecurity and Critical Infrastructure Protection Act of 2014.

I would like to thank Chairman MCCAUL and Ranking Member THOMPSON for their leadership on the protection of our nation's critical infrastructure.

Several Jackson Lee amendments were included in the H.R. 3696, the ''National Cybersecurity and Critical Infrastructure Protection Act of 2014.''

I submit to the committee for its consideration the following five amendments that would:

Identify the best methods for developing exercise to challenge the security measures taken to protect critical infrastructure from cyber attacks or incidents;

Assure efforts to conduct outreach to education institutions to promote cybersecurity awareness;

Provide better coordination for cyber incident emergency response and recovery;

Explore the benefits of establishing a visiting scholars program; and

Prioritized response efforts to aid in recovery of critical infrastructure from cyber incidents.

The Jackson Lee amendments improved H.R. 3696:

The first Jackson Lee amendment supports discussions among stakeholders on the best methods of developing innovative cybersecurity exercises for coordinating between the Department and each of the critical infrastructure sectors designated under section 227.

The second Jackson Lee amendment directs the Secretary to conduct outreach to universities, which shall include historically black colleges and universities, Hispanic serving institutions, Native American colleges and institutions serving persons with disabilities to promote cybersecurity awareness.

The third Jackson Lee amendment directs the Secretary of Homeland Security to make available Department contact information to serve as a resource for Sector Coordinating Councils and critical infrastructure owners and critical infrastructure operators to better coordinate cybersecurity efforts with the agency related to emergency response and recovery efforts for cyber incidents.

The fourth Jackson Lee amendment directs the Department of Homeland Security to determine the feasibility and potential benefit of developing a visiting security researchers program from academia, including cybersecurity scholars at the Department of Homeland Security's Centers of Excellence.

The fifth Jackson Lee amendment directs the Secretary of Homeland Security to collaborate with Sector Coordinating Councils, Information Sharing and Analysis Centers, Sector Specific Agencies, and relevant critical infrastructure sectors on the development of prioritized response efforts, if necessary, to support the defense and recovery of critical infrastructure from cyber incidents.

Global dependence on the Internet and particularly the interconnected nature of the cyber-space makes cyber security a very difficult public policy challenge, but H.R. 3696 is making a significant step forward in addressing cyber security threats.

Cyber thieves work around the clock to probe and breach computer systems resulting in the largest unlawful transfer of wealth in history.

H.R. 3696 emphases on public/private partnerships and information sharing is a critically important first step in combating illegal, damaging and expensive data breaches. This legislation already addresses many useful and essential cybersecurity tools and initiatives such as: enhanced education, increased research, information sharing, data breach security and technical assistance strategies.

H.R. 3639 will allow the Department of Homeland Security to partner with and support the efforts of critical infrastructure owners and operators to secure their facilities and guide the agency in its work to create resources to support the global mission of infrastructure protection, which is vital to the nation.

I encourage my colleagues to vote in favor of H.R. 3696.

Mr. THOMPSON of Mississippi. Mr. Speaker, I am pleased to be here today as an original cosponsor of this legislation, the National Cyber Security and Critical Infrastructure Protection Act.

This bipartisan legislation gives the Department of Homeland Security Congressional Authority to more fully carry out its civilian cyber mission, and to increase protection for our national critical infrastructure.

Importantly, this legislation also gives the Committee on Homeland Security a robust oversight position to make sure the Department carries out an innovative and cooperative relationship with industry, to protect the nation's privately owned critical infrastructure.

By giving DHS specific civilian authorities, it codifies what the President has already set into motion with his Cyber Executive Order 13636, issued in February of 2013, but Executive Authority goes only so far, and the President has said that his efforts cannot take the place Congressional action.

Mr. Speaker, we have stepped up to the plate. The legislation that Mr. MCCAUL and I worked on together, directs Federal agencies and private industry to coordinate the development and implementation of voluntary risk-based security standards, and codifies the ongoing process that the National Institute of Standards and Technology (NIST) and private industry have taken on.

We are asking that business and government find an adaptable and cooperative cyber security framework, for both government and private companies, not an off-the-shelf, or check-the-box solution.

We must depend on strong private sector leadership and accountability to focus on our nation's most pressing cyber vulnerabilities, protecting critical systems that when disrupted could cause catastrophic damage to our citizens. I believe this legislation will allow that process to move forward.

The President said it best, ''It is the policy of the United States to enhance the security and resilience of the Nation's critical infrastructure and to maintain a cyber environment that encourages efficiency, innovation, and economic prosperity while promoting safety, security, business confidentiality, privacy and civil liberties.''

Critical infrastructure provides the essential services that underpin American society, and I suggest that the owners and operators of America's critical infrastructure are in a unique position to manage their own business risks with the help of civilian government agencies, to develop operational approaches that can make our critical infrastructure protected and durable.

Mr. Speaker, I have worked long and hard with the chairman to hammer out privacy and liability concerns held by myself, and many others, on both sides of the aisle.

There are no broad exceptions to the current privacy laws in this legislation, and it focuses on information sharing using existing structures. In fact, the ACLU commended the construction of this legislation by saying, ''. . . it is both pro-security and pro-privacy . . .''

We still have much work to do to achieve a higher level of cyber security in this country, and internationally.

We must approach the cyber threat arena in a way that is consistent with traditional American values, and by leading on the issue of respecting personal privacy in the efforts to achieve cyber security, we must continue to respect the safeguards for our constitutional right of freedom of speech.

The wrong way is to assume that we must cede all of our personal privacy and freedoms to remain safe.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. MCCAUL) that the House suspend the rules and pass the bill, H.R. 3696, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

CRITICAL INFRASTRUCTURE RESEARCH AND DEVELOPMENT ADVANCEMENT ACT OF 2013

Mr. MEEHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2952) to amend the Homeland Security Act of 2002 to make certain improvements in the laws relating to the advancement of security technologies for critical infrastructure protection, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 2952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Critical Infrastructure Research and Development Advancement Act of 2013'' or the ''CIRDA Act of 2013''.

SEC. 2. DEFINITIONS.

Section 2 of the Homeland Security Act of 2002 (6 U.S.C. 101) is amended by redesignating paragraphs (15) through (18) as paragraphs (16) through (19), respectively, and by inserting after paragraph (14) the following:

''(15) The term 'Sector Coordinating Council' means a private sector coordinating council that is—

''(A) recognized by the Secretary as such a Council for purposes of this Act; and

''(B) comprised of representatives of owners and operators of critical infrastructure within a particular sector of critical infrastructure.''.

SEC. 3. CRITICAL INFRASTRUCTURE PROTECTION RESEARCH AND DEVELOPMENT.

(a) STRATEGIC PLAN; PUBLIC-PRIVATE CONSORTIUMS.—

(1) IN GENERAL.—Title III of the Homeland Security Act of 2002 (6 U.S.C. 181 et seq.) is amended by adding at the end the following:

''SEC. 318. RESEARCH AND DEVELOPMENT STRATEGY FOR CRITICAL INFRASTRUCTURE PROTECTION.

''(a) IN GENERAL.—Not later than 180 days after the date of enactment of the Critical Infrastructure Research and Development Advancement Act of 2013, the Secretary, acting through the Under Secretary for Science and Technology, shall transmit to Congress a strategic plan to guide the overall direction of Federal physical security and cybersecurity technology research and development efforts for protecting critical infrastructure, including against all threats. Once every 2 years after the initial strategic plan is transmitted to Congress under this section, the Secretary shall transmit to Congress an update of the plan.

''(b) CONTENTS OF PLAN.—The strategic plan shall include the following:

''(1) An identification of critical infrastructure security risks and any associated security technology gaps, that are developed following—

''(A) consultation with stakeholders, including the Sector Coordinating Councils; and

''(B) performance by the Department of a risk/gap analysis that considers information received in such consultations.

''(2) A set of critical infrastructure security technology needs that—

''(A) is prioritized based on risk and gaps identified under paragraph (1);

''(B) emphasizes research and development of those technologies that need to be accelerated due to rapidly evolving threats or rapidly advancing infrastructure technology; and

''(C) includes research, development, and acquisition roadmaps with clearly defined objectives, goals, and measures.

''(3) An identification of laboratories, facilities, modeling, and simulation capabilities that will be required to support the research, development, demonstration, testing, evaluation, and acquisition of the security technologies described in paragraph (2).

''(4) An identification of current and planned programmatic initiatives for fostering the rapid advancement and deployment of security technologies for critical infrastructure protection. The initiatives shall consider opportunities for public-private partnerships, intragovernment collaboration, university centers of excellence, and national laboratory technology transfer.

''(5) A description of progress made with respect to each critical infrastructure security risk, associated security technology gap, and critical infrastructure technology need identified in the preceding strategic plan transmitted under this section.

''(c) COORDINATION.—In carrying out this section, the Under Secretary for Science and Technology shall coordinate with the Under Secretary for the National Protection and Programs Directorate.

''(d) CONSULTATION.—In carrying out this section, the Under Secretary for Science and Technology shall consult with—

''(1) the critical infrastructure Sector Coordinating Councils;

''(2) to the extent practicable, subject matter experts on critical infrastructure protection from universities, colleges, including historically black colleges and universities, Hispanic- serving institutions, and tribal colleges and universities, national laboratories, and private industry;

''(3) the heads of other relevant Federal departments and agencies that conduct research and development for critical infrastructure protection; and

''(4) State, local, and tribal governments as appropriate.

''SEC. 319. REPORT ON PUBLIC-PRIVATE RESEARCH AND DEVELOPMENT CONSORTIUMS.

''(a) IN GENERAL.—Not later than 180 days after the enactment of the Critical Infrastructure Research and Development Advancement Act of 2013, the Secretary, acting through the Under Secretary for Science and Technology, shall transmit to Congress a report on the Department's utilization of public-private research and development consortiums for accelerating technology development for critical infrastructure protection. Once every 2 years after the initial report is transmitted to Congress under this section, the Secretary shall transmit to Congress an update of the report. The report shall focus on those aspects of critical infrastructure protection that are predominately operated by the private sector and that would most benefit from rapid security technology advancement.

''(b) CONTENTS OF REPORT.—The report shall include—

''(1) a summary of the progress and accomplishments of on-going consortiums for critical infrastructure security technologies;

''(2) in consultation with the Sector Coordinating Councils and, to the extent practicable,

in consultation with subject-matter experts on critical infrastructure protection from universities, colleges, including historically black colleges and universities, Hispanic-serving institutions, and tribal colleges and universities, national laboratories, and private industry, a prioritized list of technology development focus areas that would most benefit from a public-private research and development consortium; and

''(3) based on the prioritized list developed under paragraph (2), a proposal for implementing an expanded research and development consortium program, including an assessment of feasibility and an estimate of cost, schedule, and milestones.''.

(2) LIMITATION ON PROGRESS REPORT REQUIREMENT.—Subsection (b)(5) of section 318 of the Homeland Security Act of 2002, as amended by paragraph (1) of this subsection, shall not apply with respect to the first strategic plan transmitted under that section.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding at the end of the items relating to such title the following:

''Sec. 318. Research and development strategy for critical infrastructure protection.

''Sec. 319. Report on public-private research and development consortiums.''.

(c) CRITICAL INFRASTRUCTURE PROTECTION TECHNOLOGY CLEARINGHOUSE.—Section 313 of the Homeland Security Act of 2002 (6 U.S.C. 193) is amended by redesignating subsection (c) as subsection (d), and by inserting after subsection (b) the following:

''(c) CRITICAL INFRASTRUCTURE PROTECTION TECHNOLOGY CLEARINGHOUSE.—

''(1) DESIGNATION.—Under the program required by this section, the Secretary, acting through the Under Secretary for Science and Technology, and in coordination with the Under Secretary for the National Protection and Programs Directorate, shall designate a technology clearinghouse for rapidly sharing proven technology solutions for protecting critical infrastructure.

''(2) SHARING OF TECHNOLOGY SOLUTIONS.—Technology solutions shared through the clearinghouse shall draw from Government-furnished, commercially furnished, and publically available trusted sources.

''(3) TECHNOLOGY METRICS.—All technologies shared through the clearinghouse shall include a set of performance and readiness metrics to assist end-users in deploying effective and timely solutions relevant for their critical infrastructures.

''(4) REVIEW BY PRIVACY OFFICER.—The Privacy Officer of the Department appointed under section 222 shall annually review the clearinghouse process to evaluate its consistency with fair information practice principles issued by the Privacy Officer.''.

(d) EVALUATION OF TECHNOLOGY CLEARINGHOUSE BY GOVERNMENT ACCOUNTABILITY OFFICE.—Not later than 2 years after the date of enactment of this Act, the Comptroller General of the United States shall conduct an independent evaluation of, and submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report on, the effectiveness of the clearinghouses established and designated, respectively, under section 313 of the Homeland Security Act of 2002, as amended by this section.

SEC. 4. NO ADDITIONAL AUTHORIZATION OF APPROPRIATIONS.

No additional funds are authorized to be appropriated to carry out this Act and the amendments made by this Act, and this Act and such amendments shall be carried out using amounts otherwise available for such purpose.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MEEHAN) and the gentlewoman from New York (Ms. CLARKE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. MEEHAN. Mr. Speaker, I ask unanimous consent that all Members have 5 legislative days within which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MEEHAN. Mr. Speaker, I yield myself as much time as I may consume.

Mr. Speaker, I rise in support of H.R. 2952, the Critical Infrastructure Research Development Advancement, or what we call the CIRDA, Act.

This legislation was passed out of full committee with unanimous bipartisan support, and I would like to thank my good friend, the ranking member on the Cybersecurity, Infrastructure Protection, and Security Technologies Committee, Ms. CLARKE, for cosponsoring and supporting this legislation.

One of the committee's most important duties is to protect our Nation's critical infrastructure. The CIRDA Act will change the way the Department of Homeland Security develops protections for critical infrastructure by creating and facilitating access to new and existing technologies.

Currently, there are barriers within the Department that inhibit strategizing for and, ultimately, the purchasing of the best tools that our country has to offer. The CIRDA Act will direct DHS to facilitate the development of a research and development strategy for critical infrastructure security technologies as well as explore the feasibility of expanding use of public-private R&D consortiums.

Our Nation must have access to new security technologies, and a public-private partnership can help spur innovation and economic competitiveness for entities that protect our Nation's defense systems, essential networks, Americans' financial information, chemical facilities, and the many other areas of our economy that are vital for the protection and confidence of Americans and our way of life.

This is critically important, Mr. Speaker, because of the fact of the nature, when we are dealing with cyber, what we are dealing with is not just the ability of what we can do today to create a defense, but the recognition of those on the other side who are looking to try to exploit our defenses. It is a constant chess game that is taking place.

Whatever we are able to do, immediately somebody is looking for a way to try to get around those protections and compromise them. As a result, we have to be able to have the best capacity, generated either in the private sector or in the government sector, and the ability to get those best protections to the places where they need to be the quickest and the most efficiently.

Finally, the legislation will designate a ''Technology Clearinghouse,'' where proven security tools can be rapidly shared among government and private partners. Keeping pace with the rapidly evolving variables of the threat to our Nation and the technological achievements only enhances our ability to combat attacks to the U.S.' critical infrastructure.

I urge support for the CIRDA Act.

Mr. Speaker, I reserve the balance of my time.

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES, COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY,
Washington, DC, January 8, 2014.

Hon. MICHAEL MCCAUL,
Chairman, Committee on Homeland Security, Washington, DC.

DEAR CHAIRMAN MCCAUL: I am writing to you concerning the jurisdictional interest of the Committee on Science, Space, and Technology in H.R. 2952, the ''Critical Infrastructure Research and Development Advancement Act of 2013.'' The bill contains provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology.

I recognize and appreciate the desire to bring this legislation before the House of Representatives in an expeditious manner, and accordingly, I will waive further consideration of this bill in Committee, notwithstanding any provisions that fall within the jurisdiction of the Committee on Science, Space, and Technology. This waiver, of course, is conditional on our mutual understanding that agreeing to waive consideration of this bill should not be construed as waiving, reducing, or affecting the jurisdiction of the Committee on Science, Space, and Technology.

This waiver is also given with the understanding that the Committee on Science, Space, and Technology will be added as a recipient of the report required to be provided by the General Accounting Office in Section 3 of the bill.

Additionally, the Committee on Science, Space, and Technology expressly reserves its authority to seek conferees on any provision within its jurisdiction during any House-Senate conference that may be convened on this, or any similar legislation. I ask for your commitment to support any request by the Committee for conferees on H.R. 2952 as well as any similar or related legislation.

I ask that a copy of this letter and your response be included in the report on H.R. 2952 and also be placed in the Congressional Record during consideration of this bill on the House floor.

Sincerely,

LAMAR SMITH,
Chairman, Committee on Science, Space, and Technology.

Enclosure.

HOUSE OF REPRESENTATIVES,
COMMITTEE ON HOMELAND SECURITY,
Washington, DC, January 8, 2014.

Hon. LAMAR SMITH,
Chairman, Committee on Science, Space, and Technology, Washington, DC.

DEAR CHAIRMAN SMITH: Thank you for your letter regarding H.R. 2952, the ''Critical Infrastructure Research and Development Act of 2013.'' I acknowledge that by forgoing a sequential referral on this legislation, your Committee is not diminishing or altering its jurisdiction.

I also concur with you that forgoing action on this bill does not in any way prejudice the Committee on Science, Space, and Technology with respect to its jurisdictional prerogatives on this bill or similar legislation in the future, and I would support your effort to seek appointment of an appropriate number of conferees to any House-Senate conference involving this legislation. In addition, the Committee on Science, Space, and Technology will be added as a recipient of the report provided by the General Accountability Office, required by Section 3 of this legislation, in the final version of text voted on by the full House.

Finally, I will include your letter and this response in the report accompanying H.R. 2952 as well as the Congressional Record during consideration of this bill on the House floor. I appreciate your cooperation regarding this legislation, and I look forward to working with the Committee on Science, Space, and Technology as the bill moves through the legislative process.

Sincerely,

MICHAEL T. MCCAUL,
Chairman.

Ms. CLARKE of New York. Mr. Speaker, I rise in strong support of H.R. 2952, the Critical Infrastructure Research and Development Advancement Act, and I yield myself such time as I may consume.

Mr. Speaker, I would like to thank the gentleman from Pennsylvania (Mr. MEEHAN), the chairman of the Cybersecurity, Infrastructure Protection, and Security Technologies Subcommittee, for introducing this very vital legislation. I appreciate him working with me and the rest of the committee to bring a thoughtful and bipartisan bill to the floor today.

In May, the Department of Justice released the names of five members of the Chinese People's Liberation Army that are suspected of carrying out cyber attacks against American companies for over 8 years. These indictments underscore the significant cyber vulnerabilities that the Department of Homeland Security works to identify and to thwart.

Some of the Department's most important efforts are targeted at protecting our critical infrastructure systems, such as communication systems and the electric grid. These systems have complex technological components that Americans expect will function without a glitch.

To carry out this mission, DHS is constantly researching and developing new technologies and defenses to help protect our infrastructure. This R&D is extremely important to the safety of American infrastructure.

At the same time, Congress must do proper oversight to ensure that it is done in an effective and efficient and focused way. That is why I cosponsored this act, which requires DHS to have a research and development strategy for critical infrastructure protection. This strategy is to be focused on identifying the most immediate threats and then developing a comprehensive set of initiatives to address them. It directs DHS to employ public-private partnerships, intragovernmental collaboration, University Centers for Excellence, and national laboratory technology transfers to make sure that DHS is working with state-of-the-art researchers and facilities. This strategy will help DHS keep ahead of the rapidly evolving cybersecurity attack that we hear about each and every day.

I am confident that, with the focused measures set forth in this bill and increased attention to the importance of science and technology in our antiterrorism efforts, we can be better equipped to defend America's critical infrastructure.

Mr. Speaker, cyberterrorists and cyber criminals are constantly innovating. We must do more to protect against these threats and foster great resilience of critical infrastructure networks to such threats. H.R. 2952 will make sure that we fight the new threats of this era with the most advanced technology solutions.

I urge my colleagues to join me in supporting H.R. 2952, the CIRDA Act, and I thank the gentleman from Pennsylvania (Mr. MEEHAN) for making it possible for us to have this on the floor today and to bring this new piece of legislation to fruition.

Mr. Speaker, I yield back the balance of my time.

Mr. MEEHAN. Mr. Speaker, I want to express as well, as I close, once again, my appreciation for the tremendous collaborative working relationship with my colleague, Ms. CLARKE, and her staff and the staffs from both committees who have worked extensively to put these bills in the position that they have.

It is a joy to be part of something here in this Congress in a bipartisan fashion, in which people are working together to solve problems that challenge us all.

In my closing, I will include in the RECORD a letter in support of H.R. 2952 that is written by the Security Industry Association. These are the folks that represent over 470 suppliers of electronic physical security and other kinds of solutions.

SECURITY INDUSTRY ASSOCIATION,
September 12, 2013.

Hon. PAT MEEHAN,
Chairman, House Subcommittee on Cybersecurity, Infrastructure Protection, and Security Technologies, House of Representatives, Washington, DC.

DEAR CHAIRMAN MEEHAN: The Security Industry Association (SIA) would like to express its strong support for H.R. 2952, the ''Critical Infrastructure Research and Development Act of 2013'' (CIRDA). SIA represents more than 470 suppliers of electronic physical security solutions and countless technology leaders who design and install the security systems that protect millions of Americans each day in our nation's cities and towns, schools, factories, government buildings, transportation systems, ports, and other components of critical infrastructure. Owners and operators of these facilities work closely with SIA members as trusted advisors to ensure that cutting edge security technology solutions are adopted to prevent crime and terrorist attack.

SIA believes the CIRDA legislation will help the U.S. Department of Homeland Security (DHS) set clear and measureable R&D priorities that will accelerate the development of cutting-edge security technologies to protect critical infrastructure. More specifically, we strongly support the provision of H.R. 2952 that will require the development of a R&D strategy by the DHS Science and Technology Directorate that draws upon the expertise of Sector Coordinating Councils to identify security risks and technology gaps. With this essential information, DHS will be in a better position to communicate with the private sector about the security technologies that are most needed to prevent emerging threats to our homeland. SIA is pleased to serve on the Emergency Services Sector Coordinating Council and would be pleased to identify Subject Matter Experts from our membership to contribute to the development of this proposed R&D strategy and the Critical Infrastructure Protection Technology Clearinghouse provided for in your legislation.

Thank you for your leadership in introducing this important piece of legislation. SIA appreciates the priority this legislation places upon public-private partnerships and we look forward to working with you to ensure swift passage of CIRDA this year.

Sincerely,

DONALD R. ERICKSON,
Chief Executive Officer.

Mr. MEEHAN. The essence of what this is is the recognition by those who are in the industry that the Department of Homeland Security needs to be able to set clear and measurable R&D priorities that will accelerate the development of cutting-edge security technologies to protect the critical infrastructure.

When we are out there so frequently, what we hear from people is the concern: I have been attacked. What do I do to protect myself? And they turn to the Department of Homeland Security for advice.

As I said at an earlier point, the reality is that, while the responsibility rests with the Department and in the government to be able to facilitate the protection of the homeland and our assets, the reality is that 90 percent of these assets are placed within the private sector, and it is, in fact, there where much of, as much of, in fact, maybe some of the most pioneering research and development is accomplished.

One of the other realities we face, and I think the gentlelady pointed to it so well, this concept of innovation, when we often think of innovation in a positive way. It usually is a positive thing. It means somebody is always thinking of a new and better way to accomplish a task.

But criminals do that, too, and so do those who want to do us harm; and no matter how good our protections are, there is the reality that somebody else, the moment that it goes online, is looking for a way to get around it. That means that we have to have the capacity to have the ability to work quickly and effectively; then, once those who are in a position to know what is best, to be able to communicate down the line. So not just the big company that is situated someplace in New York City, but the small manufacturer in the middle of Kansas who is

still worried about their R&D, can have access to the same kinds of protections.

This bill allows that kind of collaboration to take place, working through the clearinghouse in the Department of Homeland Security. That is why I think it is so important that we take this step forward. I urge all Members to join me in supporting this bill.

Mr. Speaker, I yield back the balance of my time.

Mr. MCCAUL. Mr. Speaker, I rise today in support of H.R. 2952, the Critical Infrastructure Research and Development Advancement Act of 2013, sponsored by Chairman Meehan.

This legislation is vital in our nation's efforts to protect our critical infrastructure from attacks. The Department of Homeland Security has identified 16 sectors of the U.S. economy so vital, that disruption or destruction would result in catastrophic life-threatening or life-altering challenges. The CIRDA Act will assist the Department by encouraging the development and procurement of new technologies aimed at infrastructure protection.

I thank Chairman MEEHAN for his efforts in crafting thoughtful legislation that will enhance DHS' research and development tools, streamline its public-private coordination efforts, while ensuring that technological and product solutions are shared between the Department and its private sector partners.

This bill is a bipartisan effort that was passed out of both subcommittee and full committee by voice vote, and I thank the subcommittee Chairman and Ranking Member for their work.

I urge support for H.R. 2952.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise in strong support of H.R. 2952, the ''Critical Infrastructure Research and Development Advancement Act.''

H.R. 2952 requires the Department to have a well-developed Research and Development strategy to work in targeted ways to advance cybersecurity, particularly within the critical infrastructure sector.

Keeping pace with cybercriminals, hackers, and others who seek to exploit vulnerabilities in critical IT networks is a major challenge for the Federal government and its partners in the private sector.

Americans take for granted that when they flip a switch, their lights will come on, when they pick up a phone, there will be a ringtone and when they pick up their Smartphone, they will have a signal.

The reliability and functioning of these systems is dependent on computer systems, often Internet-based systems.

Recently, we have seen the damage that can be done when systems are breached. The database breach at Target, a major retailer, involved 70 million stolen records, which affected over a hundred million people.

The true cost of these kinds of breaches is almost unknowable because of the complexity of the crimes, and the sometimes-untraceable use of the stolen information.

What we do know is that hackers are breaching the networks of large corporate companies, gaining access to proprietary industry information, as well as consumer data.

The Department of Homeland Security is the lead Federal agency responsible for researching and developing more advanced and effective cybersecurity technologies to defend Americans from such attacks.

The legislation before us today creates a technology clearinghouse to help promote partnerships with laboratories and universities throughout the Nation for research on how to enhance not only the cyber but the physical of critical infrastructure.

I am pleased that it directs DHS to seek out new ways to better collaboration with its Centers of Excellence on this research.

I am confident that the teams at Jackson State University and Tougaloo College in Mississippi, which are part of the Centers of Excellence network, can make valuable contributions to this effort.

On a bipartisan basis, this Committee has developed a record for championing homeland security research and development while, at the same time, demanding accountability of DHS to ensure solid decision-making drives the expenditure of limited R&D dollars.

I urge my fellow colleagues to support H.R. 2952, the ''Critical Infrastructure Research and Development Advancement Act of 2013''.

Ms. JACKSON LEE. Mr. Speaker, I rise in support of H.R. 2952, a bill that will create a research and development strategy for critical infrastructure security technologies to protect critical American infrastructure from physical and cyber-attacks.

As a senior member of the Homeland Security Committee, I believe that the technology and protection of our critical infrastructure falls short in addressing the cyber-attacks we face on a daily basis.

We are in dire need of new security technologies to keep pace with rapidly evolving threats and the rapid advancement of the infrastructure itself.

This bill requires the Homeland Security Department to facilitate the development of a research and development (R&D) strategy for critical infrastructure security technologies.

The measure requires the Homeland Security Department, within 180 days of enactment and every two years thereafter, to submit to Congress a strategic plan for research and development efforts addressing the protection of critical infrastructure.

The plan must identify critical infrastructure security risks and any associated security technology gaps

The department also must submit a report to Congress, within 180 days of enactment and every two years thereafter, on departmental use of public-private consortiums to develop technology to protect such infrastructure.

The Congressional Budget Office (CBO) estimates that the bill would cost less than $500,000 annually in 2014 and 2015, assuming the availability of appropriated funds.

The bill contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act and would not affect the budgets of state, local or tribal governments.

Mr. Speaker, the cost of this bill is a small price to pay for the increased security and safety it will provide once it has been successfully implemented.

In closing, I would like to state that I have always advocated for strengthening our Department of Homeland Security and giving the department the proper tools to protect our country.

It is important that we continue to help support the agencies that protect us.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MEEHAN) that the House suspend the rules and pass the bill, H.R. 2952, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

□ 1730

HOMELAND SECURITY CYBERSECURITY BOOTS-ON-THE-GROUND ACT

Mr. MEEHAN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3107) to require the Secretary of Homeland Security to establish cybersecurity occupation classifications, assess the cybersecurity workforce, develop a strategy to address identified gaps in the cybersecurity workforce, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3107

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. HOMELAND SECURITY CYBERSECURITY WORKFORCE.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002 (6 U.S.C. 141 et seq.) is amended by adding at the end the following new section:

''SEC. 226. CYBERSECURITY OCCUPATION CATEGORIES, WORKFORCE ASSESSMENT, AND STRATEGY.

''(a) SHORT TITLE.—This section may be cited as the 'Homeland Security Cybersecurity Boots-on-the-Ground Act'.

''(b) CYBERSECURITY OCCUPATION CATEGORIES.—

''(1) IN GENERAL.—Not later than 90 days after the date of the enactment of this section, the Secretary shall develop and issue comprehensive occupation categories for individuals performing activities in furtherance of the cybersecurity mission of the Department.

''(2) APPLICABILITY.—The Secretary shall ensure that the comprehensive occupation categories issued under paragraph (1) are used throughout the Department and are made available to other Federal agencies.

''(c) CYBERSECURITY WORKFORCE ASSESSMENT.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section and annually thereafter, the Secretary shall assess the readiness and capacity of the workforce of the Department to meet its cybersecurity mission.

''(2) CONTENTS.—The assessment required under paragraph (1) shall, at a minimum, include the following:

''(A) Information where cybersecurity positions are located within the Department, specified in accordance with the cybersecurity occupation categories issued under subsection (b).

''(B) Information on which cybersecurity positions are—

''(i) performed by—

''(I) permanent full time departmental employees, together with demographic information about such employees' race, ethnicity, gender, disability status, and veterans status;

''(II) individuals employed by independent contractors; and

''(III) individuals employed by other Federal agencies, including the National Security Agency; and

''(ii) vacant.

''(C) The number of individuals hired by the Department pursuant to the authority granted to the Secretary in 2009 to permit the Secretary to fill 1,000 cybersecurity positions across the Department over a three year period, and information on what challenges, if any, were encountered with respect to the implementation of such authority.

''(D) Information on vacancies within the Department's cybersecurity supervisory workforce, from first line supervisory positions through senior departmental cybersecurity positions.

''(E) Information on the percentage of individuals within each cybersecurity occupation category who received essential training to perform their jobs, and in cases in which such training is not received, information on what challenges, if any, were encountered with respect to the provision of such training.

''(F) Information on recruiting costs incurred with respect to efforts to fill cybersecurity positions across the Department in a manner that allows for tracking of overall recruiting and identifying areas for better coordination and leveraging of resources within the Department.

''(d) WORKFORCE STRATEGY.—

''(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this section, the Secretary shall develop, maintain, and, as necessary, update, a comprehensive workforce strategy that enhances the readiness, capacity, training, recruitment, and retention of the cybersecurity workforce of the Department.

''(2) CONTENTS.—The comprehensive workforce strategy developed under paragraph (1) shall include—

''(A) a multiphased recruitment plan, including relating to experienced professionals, members of disadvantaged or underserved communities, the unemployed, and veterans;

''(B) a 5-year implementation plan;

''(C) a 10-year projection of the Department's cybersecurity workforce needs; and

''(D) obstacles impeding the hiring and development of a cybersecurity workforce at the Department.

''(e) INFORMATION SECURITY TRAINING.—Not later than 270 days after the date of the enactment of this section, the Secretary shall establish and maintain a process to verify on an ongoing basis that individuals employed by independent contractors who serve in cybersecurity positions at the Department receive initial and recurrent information security training comprised of general security awareness training necessary to perform their job functions, and role-based security training that is commensurate with assigned responsibilities. The Secretary shall maintain documentation to ensure that training provided to an individual under this subsection meets or exceeds requirements for such individual's job function.

''(f) UPDATES.—The Secretary shall submit to the appropriate congressional committees annual updates regarding the cybersecurity workforce assessment required under subsection (c), information on the progress of carrying out the comprehensive workforce strategy developed under subsection (d), and information on the status of the implementation of the information security training required under subsection (e).

''(g) GAO STUDY.—The Secretary shall provide the Comptroller General of the United States with information on the cybersecurity workforce assessment required under subsection (c) and progress on carrying out the comprehensive workforce strategy developed under subsection (d). The Comptroller General shall submit to the Secretary and the appropriate congressional committees a study on such assessment and strategy.

''(h) CYBERSECURITY FELLOWSHIP PROGRAM.—Not later than 120 days after the date of the enactment of this section, the Secretary shall submit to the appropriate congressional committees a report on the feasibility of establishing a Cybersecurity Fellowship Program to offer a tuition payment plan for undergraduate and doctoral candidates who agree to work for the Department for an agreed-upon period of time.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding after the item relating to section 225 the following new item:

''Sec. 226. Cybersecurity occupation categories, workforce assessment, and strategy.''.

SEC. 2. PERSONNEL AUTHORITIES.

(a) IN GENERAL.—Subtitle C of title II of the Homeland Security Act of 2002, as amended by section 1 of this Act, is further amended by adding at the end the following new section:

''SEC. 227. PERSONNEL AUTHORITIES.

''(a) IN GENERAL.—

''(1) PERSONNEL AUTHORITIES.—The Secretary may exercise with respect to qualified employees of the Department the same authority that the Secretary of Defense has with respect to civilian intelligence personnel and the scholarship program under sections 1601, 1602, 1603, and 2200a of title 10, United States Code, to establish as positions in the excepted service, appoint individuals to such positions, fix pay, and pay a retention bonus to any employee appointed under this section if the Secretary determines that such is needed to retain essential personnel. Before announcing the payment of a bonus under this paragraph, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a written explanation of such determination. Such authority shall be exercised—

''(A) to the same extent and subject to the same conditions and limitations that the Secretary of Defense may exercise such authority with respect to civilian intelligence personnel of the Department of Defense; and

''(B) in a manner consistent with the merit system principles set forth in section 2301 of title 5, United States Code.

''(2) CIVIL SERVICE PROTECTIONS.—Sections 1221 and 2302, and chapter 75 of title 5, United States Code, shall apply to the positions established pursuant to the authorities provided under paragraph (1).

''(3) PLAN FOR EXECUTION OF AUTHORITIES.—Not later than 120 days after the date of the enactment of this section, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a report that contains a plan for the use of the authorities provided under this subsection.

''(b) ANNUAL REPORT.—Not later than one year after the date of the enactment of this section and annually thereafter for four years, the Secretary shall submit to the Committee on Homeland Security of the House of Representatives and the Committee on Homeland Security and Governmental Affairs of the Senate a detailed report (including appropriate metrics on actions occurring during the reporting period) that discusses the processes used by the Secretary in implementing this section and accepting applications, assessing candidates, ensuring adherence to veterans' preference, and selecting applicants for vacancies to be filled by a qualified employee.

''(c) DEFINITION OF QUALIFIED EMPLOYEE.—In this section, the term 'qualified employee' means an employee who performs functions relating to the security of Federal civilian information systems, critical infrastructure information systems, or networks of either of such systems.''.

(b) CLERICAL AMENDMENT.—The table of contents in section 1(b) of such Act is amended by adding after the item relating to section 226 (as added by section 1 of this Act) the following new item:

''Sec. 227. Personnel authorities.''.

SEC. 3. CLARIFICATION REGARDING AUTHORIZATION OF APPROPRIATIONS.

No additional amounts are authorized to be appropriated by reason of this Act or the amendments made by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Pennsylvania (Mr. MEEHAN) and the gentlewoman from New York (Ms. CLARKE) each will control 20 minutes.

The Chair recognizes the gentleman from Pennsylvania.

GENERAL LEAVE

Mr. MEEHAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and include any extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

Mr. MEEHAN. Mr. Speaker, I yield myself such time as I may consume.

I rise today in support of H.R. 3107, which is the Homeland Security Cybersecurity Boots-on-the-Ground Act, and it is sponsored by the ranking member of the Cybersecurity, Infrastructure Protection, and Security Technologies Subcommittee, Ms. YVETTE CLARKE of New York. This critical piece of legislation is necessary to ensure that the Department of Homeland Security can address gaps in the Department's cybersecurity workforce.

I am proud to cosponsor this legislation, as it will direct the Department to assess its cyber workforce, create occupational classifications, and develop a cybersecurity workforce strategy.

Throughout the past year, our subcommittee has worked in a bipartisan fashion to identify the cyber threat to our Nation's critical infrastructure, as well as to assess the Department's ability to prevent major cyber attacks. Through our oversight capacity, we have identified areas where Congress can act to neutralize this evolving threat. I am particularly proud of the work we did to tweak this legislation and to incorporate it into the larger committee cyber bill.

I believe that today's markup will go a long way in supporting this mission, and I urge support for this crucial piece of legislation.

Mr. Speaker, I reserve the balance of my time.

Ms. CLARKE of New York. Mr. Speaker, I yield myself such time as I may consume.

I rise in strong support of H.R. 3107, the Homeland Security Cybersecurity

Boots-on-the-Ground Act. This is a bill I introduced to address fundamental challenges in the cyber workforce at the Department of Homeland Security. It has gained bipartisan support, as acknowledged by the gentleman from Pennsylvania (Mr. MEEHAN), our chairman.

Since the attacks of September 11, the urgent need to fill critical national security positions at times has led to actions that may have inadvertently heightened our vulnerability and fostered an over-reliance on private contractors. From a recruitment and retention standpoint, it is critical that the Department of Homeland Security clearly identifies job classifications for the cyber positions it seeks to fill. That was one of the major conclusions of the Cyber Skills Task Force that the Homeland Security Advisory Committee assembled at the request of then-DHS Secretary Janet Napolitano in 2012.

I introduced the Homeland Security Cybersecurity Boots-on-the-Ground Act to implement a number of the task force's key recommendations.

First, the bill directs DHS to develop and issue comprehensive occupation classifications for persons performing activities in furtherance of the Department's cybersecurity missions.

Secondly, the bill requires the Secretary to assess the readiness and capacity of the Department to meet its cybersecurity mission. As part of the assessment, the Department has to identify where positions are located, whether these positions are vacant, and whether they are held by full-time employees or contractors.

Thirdly, the bill requires the Secretary to develop a comprehensive workforce strategy. This strategy will be implemented to enhance the readiness, capacity, training, recruitment, and retention of the Department's cybersecurity workforce.

Finally, the bill requires the Secretary to establish and maintain a process to verify that individuals employed by private contractors who serve in cybersecurity positions at the Department receive initial and recurrent information security training.

H.R. 3107 takes a holistic approach to the challenge of recruiting, training, and retraining the cybersecurity workforce that DHS needs.

I thank Ranking Member MEEHAN for all of his support and for all of the work that we have done together in a bipartisan way to bring this legislation to the floor, as well as the suite of cybersecurity legislation that we brought forth to the floor today.

I want to also thank the staff of both the committee and my office for the work and the diligence that they have put into bringing forth what I call real 21st century legislation. It is very important legislation. And our very way of life depends on its success.

Since 2008, the Department of Homeland Security has been the lead Federal civilian agency for cybersecurity. It has been responsible for working with Federal agencies to secure their IT networks, and the private sector, particularly critical infrastructure owners and operators, to raise the level of cyber hygiene and address threats in a timely manner.

My legislation will help ensure that DHS has the workforce it needs to execute these critical responsibilities. For that reason, I urge all of my colleagues to support H.R. 3107.

With that, Mr. Speaker, I yield back the balance of my time.

Mr. MEEHAN. Mr. Speaker, I am very grateful for the gentlewoman's presentation of this issue, and I yield myself such time as I may consume.

I just want to conclude my remarks on this bill by pointing to the preparation that went into this bill. I would also recognize the importance of not just this issue and the challenges that we face with the complexity of this issue but to recognize that in order for the Department to fulfill its mission, they have to have the kind of workforce that is capable of doing it. And in areas like this, that requires a skilled workforce and, some would say, a uniquely skilled workforce.

I think the gentlewoman's wisdom in recognizing that once you develop that skilled workforce, when 90 percent of the assets are out in the private sector, it does not take too long before that private sector comes knocking on the door and starts to say, we want your people out here. And so wisely, the gentlewoman has pointed to allowing us to have a plan in place that looks at the three Rs: readiness, recruitment, and retention. And that is the essence of what we want to try to do with this very, very important legislation. We want to give some flexibility and control to the Department to not only train and make sure we have got the best next generation of those who will commit themselves to our Nation by service through the Department and protecting our homeland but, once they have developed those skills, that we are able, as much as possible, to retain them within here by virtue of allowing them the capacity and flexibility to do the work that they do best. There will still be plenty of opportunity to find bright people in the private sector as well. But we have got to make sure the mission of homeland security is not affected.

For those reasons, I urge all Members to join me in supporting this bill, and I yield back the balance of my time.

Mr. THOMPSON of Mississippi. Mr. Speaker, I rise today to express my support for H.R. 3107, the "Homeland Security Cybersecurity Boots-on-the-Ground Act".

I would like to commend Subcommittee Ranking Member CLARKE for her commitment to addressing a critical issue for the Department of Homeland Security—how to recruit and retain a robust cybersecurity workforce.

There is an urgent need for greater protection of our cyber infrastructure, with the rate and intensity of system breaches at an all-time high and the mounting source of cyber threats.

The Department of Homeland Security is the lead Federal agency for protecting the government's Internet platform ".gov" and for partnering with the private sector on cybersecurity.

Attracting the best and brightest in the cybersecurity field has been a chronic challenge for the Department. In an effort to come up with some effective strategies to overcome that challenge, in July 2012, then-Secretary Janet Napolitano directed the Homeland Security Advisory Committee to assemble a "Task Force on CyberSkills".

The Task Force issued a series of recommendations that included the adoption of a list of mission-critical cybersecurity tasks and a model for assessing the competency and progress of the existing and future DHS mission-critical cybersecurity workforce.

H.R. 3107 adopts many of the Task Force's key recommendations.

For instance, in order to recruit the Department with the cyber workforce it needs, H.R. 3107 requires DHS to have comprehensive occupation classifications to categorize what types of work will be done in each position.

Today, DHS does not utilize a uniform classification system and, as a result, positions get posted that offer little clarity on what knowledge, skills, and experience is sought.

Sophisticated cyber mission-critical skills are not a dime-a-dozen, and Federal agencies have to compete among themselves, and especially private sector employers for talent.

This bill seeks to ensure that DHS has an effective approach to attracting, hiring, and retaining a mission-critical cybersecurity workforce.

I urge my colleagues to support this bipartisan legislation.

Mr. MCCAUL. Mr. Speaker, I rise today in support of H.R. 3107, the Homeland Security Cybersecurity Boots-on-the-Ground Act, sponsored by Ranking Member CLARKE.

H.R. 3107 includes important provisions to bolster the cybersecurity workforce at the Department of Homeland Security. Across our nation, businesses, colleges and universities are transforming their organizations to include strong and robust cybersecurity practices. It is essential that DHS is hiring the best and the brightest that this emerging field has to offer. The Department's efforts to protect the homeland from an attack depend on it.

The legislation offered by Ms. CLARKE was introduced and passed out of the committee with bipartisan support and we were pleased to have worked with her to adjust the language to mirror the workforce provisions in the full committee's cyber bill. It will require the Department to take inventory of its cyber workforce, including those of other Federal agencies. Subsequently, the Secretary will be required to present to Congress a workforce strategy, focused on how to attract and maintain top cybersecurity experts.

These new provisions will help ensure the Department has a coherent plan to address their need to hire cyber professionals and fill those much needed positions.

I would like to thank Ranking Member CLARKE for all of her work on this important subject, I urge support for the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MEEHAN) that the House suspend the rules and pass the bill, H.R. 3107, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

Mr. MEEHAN. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, further proceedings on this question will be postponed.

The point of no quorum is considered withdrawn.

SUNSCREEN INNOVATION ACT

Mr. WHITFIELD. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4250) to amend the Federal Food, Drug, and Cosmetic Act to provide an alternative process for review of safety and effectiveness of nonprescription sunscreen active ingredients and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4250

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Sunscreen Innovation Act''.

SEC. 2. REGULATION OF NONPRESCRIPTION SUNSCREEN ACTIVE INGREDIENTS.

Chapter V of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 351 et seq.) is amended by adding at the end the following:

''Subchapter I—Nonprescription Sunscreen Active Ingredients

''SEC. 586. DEFINITIONS.

''In this subchapter:

''(1) The term 'Advisory Committee' means the Nonprescription Drug Advisory Committee or any successor to such Committee.

''(2) The terms 'generally recognized as safe and effective' and 'GRASE' mean generally recognized, among experts qualified by scientific training and experience to evaluate the safety and effectiveness of drugs, as safe and effective for use under the conditions prescribed, recommended, or suggested in the product's labeling, as described in section 201(p).

''(3) The term 'GRASE determination' means, with respect to a nonprescription sunscreen active ingredient or a combination of nonprescription sunscreen active ingredients, a determination of whether such ingredients or combination of ingredients is generally recognized as safe and effective and not misbranded for use under the conditions prescribed, recommended, or suggested in the product's labeling, as described in section 201(p).

''(4) The term 'nonprescription' means not subject to section 503(b)(1).

''(5) The term 'pending request' means each request submitted to the Secretary—

''(A) for consideration for inclusion in the over-the-counter drug monograph system;

''(B) that was deemed eligible for such review by publication of a notice of eligibility in the Federal Register prior to the date of enactment of the Sunscreen Innovation Act; and

''(C) for which safety and effectiveness data has been submitted to the Secretary prior to such date of enactment.

''(6) The term 'sponsor' means the person submitting the request under section 586A(a), including a time and extent application under section 586B, or the person that submitted the pending request.

''(7) The term 'sunscreen active ingredient' means an active ingredient that is intended for application to the skin of humans for purposes of absorbing, reflecting, or scattering radiation.

''(8) The term 'sunscreen' means a product containing one or more sunscreen active ingredients.

''SEC. 586A. GENERAL PROVISIONS.

''(a) REQUESTS.—Any person may submit a request to the Secretary for a determination of whether a nonprescription sunscreen active ingredient or a combination of nonprescription sunscreen active ingredients, for use under specified conditions, to be prescribed, recommended, or suggested in the labeling thereof (including dosage form, dosage strength, and route of administration) is generally recognized as safe and effective and not misbranded.

''(b) RULES OF CONSTRUCTION.—

''(1) CURRENTLY MARKETED SUNSCREENS.—Nothing in this subchapter shall be construed to affect the marketing of sunscreens that are lawfully marketed in the United States on or before the date of enactment of this subchapter.

''(2) ENSURING SAFETY AND EFFECTIVENESS.—Nothing in this subchapter shall be construed to alter the Secretary's authority to prohibit the marketing of a sunscreen that is not safe and effective or to impose restrictions on the marketing of a sunscreen to ensure safety and effectiveness.

''(3) OTHER PRODUCTS.—Nothing in this subchapter shall be construed to affect the Secretary's regulation of products other than sunscreens.

''(c) SUNSET.—This subchapter shall cease to be effective at the end of the 5-year period beginning on the date of enactment of this subchapter.

''SEC. 586B. ELIGIBILITY DETERMINATION.

''(a) IN GENERAL.—Upon receipt of a request under section 586A(a), not later than 60 days after the date of receipt of such request, the Secretary shall—

''(1) determine whether the request is eligible for further review under sections 586C and 586D, as described in subsection (b);

''(2) notify the sponsor of the Secretary's determination; and

''(3) make such determination publicly available in accordance with subsection (c).

''(b) CRITERIA FOR ELIGIBILITY.—

''(1) IN GENERAL.—To be eligible for review under sections 586C and 586D, a request shall be for a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients, for use under specified conditions, to be prescribed, recommended, or suggested in the labeling thereof, that—

''(A) is not included in the stayed sunscreen monograph in part 352 of title 21, Code of Federal Regulations; and

''(B) has been used to a material extent and for a material time, as described in section 201(p)(2).

''(2) TIME AND EXTENT APPLICATION.—A sponsor shall include in a request under section 586A(a) a time and extent application including all the information required to meet the standard described in paragraph (1)(B).

''(c) PUBLIC AVAILABILITY.—

''(1) REDACTIONS FOR CONFIDENTIAL INFORMATION.—If a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is determined to be eligible for further review under subsection (a)(1), the Secretary shall make the request publicly available, with redactions for information that is treated as confidential under section 552(b) of title 5, United States Code, section 1905 of title 18, United States Code, or section 301(j) of this Act.

''(2) IDENTIFICATION OF CONFIDENTIAL INFORMATION BY SPONSOR.—Sponsors shall identify any information which the sponsor considers to be confidential information described in paragraph (1).

''(3) CONFIDENTIALITY DURING ELIGIBILITY REVIEW.—The information contained in a request under section 586A(a) shall remain confidential during the Secretary's consideration under this section of whether the request is eligible for further review.

''SEC. 586C. DATA SUBMISSION; FILING DETERMINATION.

''(a) IN GENERAL.—In the case of a request under section 586A(a) that is determined to be eligible under section 586B for further review under this section and section 586D—

''(1) the Secretary shall, in notifying the public under section 586B(a)(3) of such eligibility determination, invite the sponsor of the request and any other interested party to submit, in support of or otherwise relating to a GRASE determination—

''(A) published and unpublished data and other information related to the safety and effectiveness of the nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients for its intended nonprescription uses; or

''(B) any other comments; and

''(2) not later than 60 days after the submission of such data and other information by the sponsor, including any revised submission of such data and other information following a refusal to file under subparagraph (B), the Secretary shall—

''(A)(i) issue a written notification to the sponsor determining that the request under section 586A(a), together with such data and other information, is sufficiently complete to conduct a substantive review and make such notification publicly available; and

''(ii) file such request; or

''(B) issue a written notification to the sponsor refusing to file the request and stating the reasons for the refusal and why the data and other information submitted is not sufficiently complete to conduct a substantive review and make such notification publicly available;

''(3) the Secretary shall, in filing a request under paragraph (2)—

''(A) invite the public to submit further comments with respect to such filing; and

''(B) limit such public comment, and the comment period under paragraph (1), to the period ending on the date that is 60 days after such filing;

''(4) if the Secretary refuses to file the request—

''(A) the sponsor may, within 30 days of receipt of written notification of such refusal, seek a meeting with the Secretary regarding whether the Secretary should file the request; and

''(B) the Secretary shall convene the meeting; and

''(5) following any such meeting—

''(A) if the sponsor asks that the Secretary file the request (with or without amendments to correct any purported deficiencies to the request) the Secretary shall file the request over protest, issue a written notification of the filing to the sponsor, and make such notification publicly available; and

''(B) if the request is so filed over protest, the Secretary shall not require the sponsor to resubmit a copy of the request for purposes of such filing.

''(b) REASONS FOR REFUSAL TO FILE REQUEST.—The Secretary may refuse to file a request submitted under section 586A(a) if the Secretary determines the data or other information submitted by the sponsor under this section are not sufficiently complete to conduct a substantive review with respect to such request.

''(c) PUBLIC AVAILABILITY.—

''(1) REDACTIONS FOR CONFIDENTIAL INFORMATION.—The Secretary shall make data and other information submitted in connection with a request under section 586A(a) publicly available, with redactions for information that is treated as confidential under section 552(b) of title 5,

United States Code, section 1905 of title 18, United States Code, or section 301(j) of this Act.

''(2) IDENTIFICATION OF CONFIDENTIAL INFORMATION BY SPONSOR.—Sponsors or any other individual submitting data or other information under this section shall identify any information which the sponsor or individual considers to be confidential information described in paragraph (1).

''SEC. 586D. GRASE DETERMINATION.

''(a) REVIEW OF NEW REQUEST.—

''(1) PROPOSED ORDER BY CDER.—In the case of a request under section 586A(a), the Director of the Center for Drug Evaluation and Research shall—

''(A) not later than 300 days after the date on which the request is filed under section 586C(a), complete the review of the request and issue a proposed order determining that—

''(i) the nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients that is the subject of the request—

''(I) is GRASE; and

''(II) is not misbranded;

''(ii) the nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients that is the subject of the request—

''(I) is not GRASE; or

''(II) is misbranded; or

''(iii) additional information is necessary to allow the Director of the Center for Drug Evaluation and Research to complete the review of such request;

''(B) within such 300-day period, convene a meeting of the Advisory Committee to review the request under section 586A(a): and

''(C) if the Director fails to issue such proposed order within the 300-day period referred to in subparagraph (A), transmit the request to the Commissioner of Food and Drugs for review.

''(2) PROPOSED ORDER BY COMMISSIONER.—With respect to a request transmitted to the Commissioner of Food and Drugs under paragraph (1)(C), the Commissioner shall, not later than 60 days after the date of such transmission, issue—

''(A) a proposed order described in paragraph (1)(A)(i);

''(B) a proposed order described in paragraph (1)(A)(ii); or

''(C) a proposed order described in paragraph (1)(A)(iii).

''(3) PUBLICATION IN FEDERAL REGISTER; PUBLIC COMMENT PERIOD.—A proposed order issued under paragraph (1) or (2) with respect to a request shall—

''(A) be published in the Federal Register; and

''(B) solicit public comments for a period of not more than 45 days.

''(4) FINAL ORDER BY CDER.—In the case of a proposed order under paragraph (1)(A) or (2) with respect to a request, the Director of the Center for Drug Evaluation and Research shall—

''(A) issue a final order with respect to the request—

''(i) in the case of a proposed order under clause (i) or (ii) of paragraph (1)(A) or subparagraph (A) or (B) of paragraph (2), not later than 90 days after the end of the public comment period under paragraph (3)(B); or

''(ii) in the case of a proposed order under paragraph (1)(A)(iii) or paragraph (2)(C), not later than 210 days after the date on which the sponsor submits the additional information requested pursuant to such proposed order; or

''(B) if the Director fails to issue such final order within such 90- or 210-day period, as applicable, transmit such proposed order to the Commissioner of Food and Drugs for review.

''(5) FINAL ORDER BY COMMISSIONER.—With respect to a proposed order transmitted to the Commissioner of Food and Drugs under paragraph (4)(B), the Commissioner shall issue a final order with respect to such proposed order not later than 60 days after the date of such transmission.

''(b) REVIEW OF PENDING REQUESTS.—

''(1) IN GENERAL.—The review of a pending request shall be carried out by the Director of the Center for Drug Evaluation and Research in accordance with paragraph (3).

''(2) INAPPLICABILITY OF CERTAIN PROVISIONS.—Sections 586B and 586C shall not apply with respect to any pending request.

''(3) PROPOSED ORDER BY CDER.—The Director of the Center for Drug Evaluation and Research shall—

''(A) within the timeframe applicable under paragraph (4), complete the review of the request and issue a proposed order determining that—

''(i) the nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients that is the subject of the pending request—

''(I) is GRASE; and

''(II) is not misbranded;

''(ii) the nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients that is the subject of the pending request—

''(I) is not GRASE; or

''(II) is misbranded; or

''(iii) additional information is necessary to allow the Director of the Center for Drug Evaluation and Research to complete the review of the pending request; and

''(B) if the Director fails to issue such proposed order within the timeframe applicable under paragraph (4), transmit the pending request to the Commissioner of Food and Drugs for review.

''(4) TIMEFRAME FOR ISSUANCE OF PROPOSED ORDER BY CDER.—The Director of the Center for Drug Evaluation and Research shall issue a proposed order, as required by paragraph (3)(A)—

''(A) in the case of a pending request for which the Food and Drug Administration has issued a feedback letter before the date of enactment of the Sunscreen Innovation Act, not later than 45 days after such date of enactment; and

''(B) in the case of a pending request for which the Food and Drug Administration has not issued a feedback letter before the date of enactment of the Sunscreen Innovation Act, not later than 90 days after such date of enactment.

''(5) PROPOSED ORDER BY COMMISSIONER.—With respect to a pending request transmitted to the Commissioner of Food and Drugs under paragraph (3)(B), the Commissioner shall, not later than 60 days after the date of such transmission, issue—

''(A) a proposed order described in paragraph (3)(A)(i);

''(B) a proposed order described in paragraph (3)(A)(ii); or

''(C) a proposed order described in paragraph (3)(A)(iii).

''(6) PUBLICATION IN FEDERAL REGISTER; PUBLIC COMMENT PERIOD.—A proposed order issued under paragraph (3) or (5) with respect to a pending request shall—

''(A) be published in the Federal Register; and

''(B) solicit public comments for a period of not more than 45 days.

''(7) ADVISORY COMMITTEE.—For a proposed order issued under paragraph (3)(A)(iii) or (5)(C) requesting additional information, an Advisory Committee meeting shall be convened if the sponsor requests, or the Director of the Center for Drug Evaluation and Research or the Commissioner of Food and Drugs decides, to convene such a meeting for the purpose of reviewing the pending request.

''(8) FINAL ORDER BY CDER.—In the case of a proposed order under paragraph (3)(A) or (5) with respect to a request, the Director of the Center for Drug Evaluation and Research shall—

''(A) issue a final order with respect to the request—

''(i) in the case of a proposed order under clause (i) or (ii) of paragraph (3)(A) or subparagraph (A) or (B) of paragraph (5), not later than 90 days after the end of the public comment period under paragraph (3)(B); or

''(ii) in the case of a proposed order under paragraph (3)(A)(iii) or paragraph (5)(C)—

''(I) if the Advisory Committee is not convened pursuant to paragraph (7), not later than 210 days after the date on which the sponsor submits the additional information requested pursuant to such proposed order; or

''(II) if the Advisory Committee is convened pursuant to paragraph (7), not later than 270 days after date on which the sponsor submits such additional information; or

''(B) if the Director fails to issue such final order within such 90-, 210-, and 270-day period, as applicable, transmit such proposed order to the Commissioner of Food and Drugs for review.

''(9) FINAL ORDER BY COMMISSIONER.—With respect to a proposed order transmitted to the Commissioner of Food and Drugs under paragraph (8)(B), the Commissioner shall issue a final order with respect to such proposed order not later than 60 days after the date of such transmission.

''(c) ADVISORY COMMITTEE.—

''(1) LIMITATIONS.—The Food and Drug Administration—

''(A) shall not be required to convene the Advisory Committee—

''(i) more than once with respect to any request under section 586A(a) or any pending request; or

''(ii) more than twice in any twelve month period with respect to the review of submissions under this section; and

''(B) shall not be required to submit more than 3 submissions to the Advisory Committee per meeting.

''(2) MEMBERSHIP.—In appointing the members of the Advisory Committee, the Secretary may select to serve temporarily as voting members on the Advisory Committee—

''(A) members of other Federal advisory committees; or

''(B) consultants from outside of the Department of Health and Human Services who have substantive expertise regarding sunscreen active ingredients.

''(d) NO DELEGATION.—Any responsibility vested by this section in the Commissioner of Food and Drugs is not delegable.

''(e) EFFECT OF FINAL ORDER.—

''(1) CONTENT.—A final order under subsection (a)(4), (a)(5), (b)(8), or (b)(9) with respect to a request under section 586A(a) or a pending request shall determine that the nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients that is the subject of the request—

''(A) is GRASE and is not misbranded; or

''(B) is not GRASE or is misbranded.

''(2) ACTIVE INGREDIENTS DETERMINED TO BE GRASE.—Upon issuance of a final order determining that a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is GRASE and is not misbranded, the active ingredient or combination of active ingredients shall be permitted to be introduced or delivered into interstate commerce, for use under the conditions subject to the final order, in accordance with all requirements applicable to drugs not subject to section 503(b)(1).

''(3) ACTIVE INGREDIENTS DETERMINED NOT TO BE GRASE.—Upon issuance of a final order determining that the nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is not GRASE or is misbranded, the active ingredient or combination of active ingredients shall not be introduced or delivered into interstate commerce, for use under the conditions subject to the final order, unless an application submitted pursuant to section 505(b) with respect to such active ingredient or combination of active ingredients is approved.

''SEC. 586E. REPORTS.

''(a) GAO REPORT.—Not later than 1 year after the date of enactment of the Sunscreen Innovation Act, the Comptroller General of the United States shall—

''(1) submit a report reviewing the overall progress of the Secretary in carrying out this subchapter to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives; and

''(2) include findings on—

''(A) the progress made in completing the review of pending requests; and

''(B) the role of the Office of the Commissioner of Food and Drugs in issuing determinations with respect to pending requests, including the number of requests transferred to the Office of the Commissioner under section 586D.

''(b) SECRETARY'S REPORT.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Sunscreen Innovation Act, and every 2 years thereafter, the Secretary shall issue a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives describing actions taken under this section. Each report under this subsection shall be posted on the Internet site of the Food and Drug Administration.

''(2) CONTENTS.—The reports under this subsection shall include—

''(A) a review of the progress made in issuing GRASE determinations for pending requests, including the number of pending requests—

''(i) reviewed and the decision times for each request, measured from the date of the original request for an eligibility determination submitted by the sponsor;

''(ii) resulting in a determination that the nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is GRASE and not misbranded;

''(iii) resulting in a determination that the nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is not GRASE and is misbranded and the reasons for such determinations; and

''(iv) for which a determination has not been made, an explanation for the delay, a description of the current status of each such request, and the length of time each such request has been pending, measured from the date of original request for an eligibility determination by the sponsor;

''(B) a review of the progress made in issuing in a timely manner GRASE determinations for requests submitted under section 586A(a), including the number of such requests—

''(i) reviewed and the decision times for each request;

''(ii) resulting in a determination that the nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is GRASE and not misbranded;

''(iii) resulting in a determination that the nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients is not GRASE and is misbranded and the reasons for such determinations; and

''(iv) for which a determination has not been made, an explanation for the delay, a description of the current status of each such request, and the length of time each such request has been pending, measured from the date of original request for an eligibility determination by the sponsor;

''(C) a description of the staffing and resources relating to the costs associated with the review and decisionmaking pertaining to requests under this subchapter;

''(D) a review of the progress made in meeting the deadlines with respect to processing requests under this subchapter;

''(E) to the extent the Secretary determines appropriate, recommendations for process improvements in the handling of pending and new requests, including the advisory committee review process; and

''(F) recommendations for expanding the applicability of this subchapter to nonprescription active ingredients that are not related to the sunscreen category of over-the-counter drugs.

''(c) METHOD.—The Secretary shall publish the reports required under subsection (b) in the manner the Secretary determines to be the most effective for efficiently disseminating the report, including publication of the report on the Internet website of the Food and Drug Administration.''.

SEC. 3. GUIDANCE.

(a) IN GENERAL.—

(1) ISSUANCE.—Not later than one year after the date of enactment of this Act, the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall issue guidance, in accordance with good guidance practices, on the implementation of, and compliance with, subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act, as added by section 2, including guidance on—

(A) the criteria for determining whether a nonprescription sunscreen active ingredient or combination of nonprescription sunscreen active ingredients has been used to a material extent and for a material time, as described in section 201(p)(2) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(p)(2));

(B) the format and content of a safety and effectiveness data submission; and

(C) the safety and efficacy standards for determining whether a nonprescription sunscreen active ingredients or combination of nonprescription sunscreen active ingredients is generally recognized as safe and effective, as defined in section 586 of such subchapter I.

(2) INAPPLICABILITY OF PAPERWORK REDUCTION ACT.—Chapter 35 of title 44, United States Code, shall not apply to collections of information made for purposes of guidance under this subsection.

(b) SUBMISSIONS PENDING ISSUANCE OF FINAL GUIDANCE.—Irrespective of whether final guidance under subsection (a) has been issued—

(1) persons may, beginning on the date of enactment of this Act, make submissions under subchapter I of chapter V of the Federal Food, Drug, and Cosmetic Act, as added by section 2; and

(2) the Secretary of Health and Human Services, acting through the Commissioner of Food and Drugs, shall review and act upon such submissions in accordance with such subchapter.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Kentucky (Mr. WHITFIELD) and the gentleman from Michigan (Mr. DINGELL) each will control 20 minutes.

The Chair recognizes the gentleman from Kentucky.

GENERAL LEAVE

Mr. WHITFIELD. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials on the bill into the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise today in support of H.R. 4250, the Sunscreen Innovation Act, which seeks to address an important area of public concern by strengthening the sunscreen ingredient review process at the Food and Drug Administration.

I would like to remind everyone that skin cancer is the most prevalent kind of cancer in America. Each year, there are more new cases of skin cancer than breast, prostate, lung, and colon cancer combined. By 2015, it is estimated that one in 50 Americans will develop melanoma in their lifetime. Melanoma also happens to be one of the most common forms of cancer in young adults, particularly young women.

Even though the Food and Drug Administration has listed action on sunscreen ingredient applications as a priority since 2008, no new sunscreen ingredients have been approved by the FDA. In fact, none have been approved in 15 years. This is despite the fact that eight sunscreen applications have been pending at the FDA, some as far back as 2002.

I might add that we find ourselves in this predicament, even though in Europe and other places around the world, new sunscreen ingredients are being introduced into sunscreen products.

This past April, the Energy and Commerce Committee held a hearing on the Sunscreen Innovation Act, where all of the expert witnesses, including the FDA, were in agreement that the current approval process is broken and in need of reform.

So the objective of the Sunscreen Innovation Act is twofold: first, to expedite the review of pending applications at FDA; and, second, to create a timely and transparent process for new applications to be reviewed and acted on.

The framework outlined in this legislation strikes an appropriate balance between consumer safety and access to the very best sunscreen product. The bill we have before us today reflects a bipartisan agreement reached in consultation with the Food and Drug Administration and outside stakeholders, such as the PASS Coalition and Environmental Working Group.

I want to give a particular thanks to my colleague from Michigan (Mr. DINGELL) for sponsoring this legislation with me. I would also like to thank Chairman UPTON, who worked with us closely throughout the entire process, and Ranking Member WAXMAN for their assistance in reaching the agreement that allowed this legislation to come to the floor.

I urge all my colleagues to support the bill. At this time, I reserve the balance of my time.

Mr. DINGELL. I yield myself such time as I may consume.

(Mr. DINGELL asked and was given permission to revise and extend his remarks.)

Mr. DINGELL. Mr. Speaker, I rise in support of H.R. 4250, the Sunscreen Innovation Act. This legislation proves that this body can work together, not only across the aisle but with the agencies under our jurisdiction and also with the industries concerned. This legislation has the support of everyone.

□ 1745

There is no opposition to it, and that includes the industry, it includes the

health people, it also includes the environmentalists, and it includes the administration. UV rays from the Sun are, it is understood, increasing the amount of melanoma amongst our people enormously—800 percent amongst young women, and 400 percent amongst young men over the past 40 years.

Sunscreens sold in the United States today do not offer the same level of protection as sunscreen sold in Europe, Canada, Australia, and other countries. In fact, the last over-the-counter sunscreen ingredient was approved by FDA in the 1990s. Some sunscreen ingredients have been waiting review by FDA for over a decade.

This is inexcusable, and it should not be permitted because FDA has taken so long to review these applications. It is clear that increased accountability is needed at the agency to ensure these pending sunscreen applications are reviewed in a timely and speedy manner.

I want to commend and congratulate my colleague, Mr. WHITFIELD, for his leadership and fine work on this, and also Chairman UPTON for his outstanding work, and I want to congratulate my friends, Mr. PALLONE and Mr. WAXMAN, for the good work which they have done on this legislation.

Indeed, the staffs on both sides of the committee have been remarkable in what it is they have done on this matter, and it is interesting to note that we have the strong support of the American Academy of Dermatology, the American Cancer Society Cancer Action Network, the Melanoma Research Alliance, the Environmental Working Group, and the Melanoma Research Foundation.

Mr. Speaker, I insert letters from those agencies into the RECORD.

AMERICAN ACADEMY OF DERMATOLOGY ASSOCIATION,
Washington, DC, July 21, 2014.

Hon. ED WHITFIELD,
U.S. House of Representatives, Washington, DC.
Hon. JOHN DINGELL,
U.S. House of Representatives, Washington, DC.

DEAR REPRESENTATIVE WHITFIELD AND REPRESENTATIVE DINGELL: The American Academy of Dermatology Association (Academy), which represents more than 13,000 dermatologists nationwide, commends you for working together to amend H.R. 4250, the Sunscreen Innovation Act, which would ensure that sunscreen ingredients are reviewed by the U.S. Food and Drug Administration (FDA) within a predictable timeframe. The Academy applauds you for your work with stakeholders on this legislation and is pleased to offer its support for the Committee-passed amended bill, which has the potential to reduce Americans' risk for skin cancer by ensuring that they have access to the safest, most effective sunscreens available.

Skin cancer is the most common cancer in the United States and one in five Americans will develop skin cancer in their lifetime. Dermatologists diagnose more than 3.5 million cases and treat more than 2.2 million people with skin cancer every year in the U.S. Research has shown that sunscreen helps reduce the risk of skin cancer and is essential to protecting the public from UV radiation. Proper use of sunscreen combined with access to the safest, most effective ingredients available will go a long way toward reducing these statistics.

We applaud you for working together to amend this legislation, which will ensure that sunscreen ingredients are thoroughly and expeditiously reviewed in a timely manner. We support allowing the Nonprescription Drugs Advisory Committee (NDAC) to provide recommendations on sunscreen ingredients to the FDA, and are pleased to see a provision under the amended bill that would allow the Secretary to appoint members of other federal advisory committees or outside consultants with substantive expertise regarding sunscreen active ingredients to the NDAC when sunscreen ingredients are reviewed. We are also in favor of the provisions within the amended legislative language that strengthen Congressional oversight by requiring reporting of FDA's activities and progress in the review of sunscreen ingredients.

We appreciate your continued leadership on this issue and look forward to working with you in the fight against skin cancer. If you have any questions or if we can provide any additional information, please contact Christine O'Connor, the Academy's Associate Director, Congressional Policy at coconnor@aad.org or (202) 609–6330; or Niva Haynes, the Academy's Manager, Congressional Policy at nhaynes@aad.ord or (202) 712–2608.

Sincerely,
BRETT M. COLDIRON, MD, FAAD,
President, American Academy of Dermatology Association.

AMERICAN CANCER SOCIETY CANCER ACTION NETWORK,
Washington, DC, May 6, 2014.

Re Letter of support for legislation to improve the FDA process for approving new sunscreen ingredients

Hon. JACK REED,
U.S. Senate, Washington, DC.
Hon. ED WHITFIELD,
U.S. House of Representatives, Washington, DC.
Hon. JOHNNY ISAKSON,
U.S. Senate, Washington, DC.
Hon. JOHN DINGELL,
U.S. House of Representatives, Washington, DC.

DEAR SENATOR REED, SENATOR ISAKSON, REPRESENTATIVE WHITFIELD AND REPRESENTATIVE DINGELL, On behalf of the American Cancer Society Cancer Action Network (ACS CAN), I am writing to express my support for legislation to reform the current Food and Drug Administration sunscreen approval process. ACS CAN is the nonprofit, nonpartisan advocacy affiliate of the American Cancer Society.

As you know, despite dramatic increases in rates of melanoma and skin cancer, the last time the FDA approved a new sunscreen ingredient was during the 1990's. H.R. 4250, now pending in the House Energy and Commerce Committee, provides a solid basis for coming to an agreement on a new and workable FDA review process for approving new sunscreen ingredients. Ultimately the goal is to provide Americans with access to the most up-to-date, safe and effective sunscreen technology now available in Europe while preserving FDA's important authority to ensure the safety of over the counter products like sunscreen. The review process in place today does not work.

We believe that it is important for Americans to have access to the latest sunscreen technology to help curb the current skin cancer epidemic in the United States and that is why ACS CAN has joined the Public Access to SunScreens (PASS) Coalition. The PASS Coalition is a multi-stakeholder coalition formed to advocate for a regulatory pathway to market for new, safe and effective sunscreen ingredients. Specifically, the purpose of the Coalition is to develop reforms that guarantee a timely review by the Food & Drug Administration (FDA) of pending Time and Extent Applications (TEAs) for over-the-counter (OTC) sunscreen ingredients.

ACS CAN would like to thank you for supporting H.R. 4250, and we look forward to working with you to resolve any concerns regarding the legislation so that Americans have access to the most effective and safe sunscreens.

If you should have any questions or concerns, please do not hesitate to contact me. Thank you.

Sincerely,
CHRISTOPHER W. HANSEN,
President, American Cancer Society Cancer Action Network.

BASF,
May 5, 2014.

Re Letter of Support for the Sunscreen Innovation Act (S. 2141/H.R. 4250)

Hon. JACK REED,
U.S. Senate, Washington, DC.
Hon. JOHNNY ISAKSON,
U.S. Senate, Washington, DC.
Hon. ED WHITFIELD,
U.S. House of Representatives, Washington, DC.
Hon. JOHN DINGELL,
U.S. House of Representatives, Washington, DC.

DEAR SENATOR REED, SENATOR ISAKSON, REPRESENTATIVE WHITFIELD AND REPRESENTATIVE DINGELL: On behalf of BASF Corporation, I am writing to express support for the Sunscreen Innovation Act (S. 2141 and H.R. 4250) and thank you for your leadership on this important issue. BASF Corporation is the North American affiliate of BASF SE. Our portfolio includes chemicals, plastics, crop protection products and performance products. Through science and innovation, we enable our customers in nearly every industry to meet the current and future needs of society. We sum up this contribution in our corporate purpose: We create chemistry for a sustainable future.

Among the products in BASF's portfolio are sunscreen filters. BASF is a leading innovator and manufacturer of sunscreen filters. We currently have three applications for sunscreen filters pending at the Food and Drug Administration (FDA)—including one since 2002. These ingredients have been available to consumers globally since the 1990s. Moreover, there are additional sunscreen filters we would like to submit for FDA approval. Given the amount of time the current applications have been pending, you can understand why it is important that the current process for consideration of new sunscreen ingredients needs to be improved.

BASF Corporation supports the Sunscreen Innovation Act because it creates a transparent and predictable review process of new sunscreen ingredients and guarantees a decision by FDA on applications for new ingredients within a defined timeframe. We believe Americans should have access to the latest sunscreen technology to help curb the current skin cancer epidemic in the United States. This is why we joined the Public Access to SunScreens (PASS) Coalition, a multi-stakeholder coalition formed to advocate for a regulatory pathway to market for new, safe and effective sunscreen ingredients.

We look forward to working with you to enact this legislation as expeditiously as possible.

Sincerely,

STEVEN J. GOLDBERG,
Vice President and Associate General Counsel, Regulatory and Government Affairs, BASF Corporation.

MELANOMA RESEARCH ALLIANCE,
Washington, DC, May 2, 2014.

Re Letter of Support for H.R. 4250, the Sunscreen Innovation Act

Hon. JACK REED,
U.S. Senate, Washington, DC.
Hon. ED WHITFIELD,
U.S. House of Representatives, Washington, DC.
Hon. JOHNNY ISAKSON,
U.S. Senate, Washington, DC.
Hon. JOHN DINGELL,
U.S. House of Representatives, Washington, DC.

DEAR SENATOR REED, SENATOR ISAKSON, REPRESENTATIVE WHITFIELD AND REPRESENTATIVE DINGELL: On behalf of the Melanoma Research Alliance (MRA), I am writing to convey MRA's support for the Sunscreen Innovation Act (5. 2141 and H.R. 4250). MRA supports the Sunscreen Innovation Act because it will reform the current sunscreen approval process and encourages Congress to enact this critical legislation as soon as possible.

As you know, despite dramatic increases in rates of melanoma and skin cancer, the last time the FDA approved a new sunscreen ingredient is the 1990s. The Sunscreen Innovation Act will provide Americans access to the latest sunscreen technology, which addresses America's growing skin cancer epidemic and fosters innovation in sunscreen. Its provisions create a transparent and predictable review process and guarantees that safe and effective products reach consumers within a defined timeframe.

MRA is a public charity that accelerates the pace of scientific discovery and its translation in order to eliminate suffering and death due to melanoma by funding innovative research programs to improve melanoma prevention, diagnosis, staging, and treatment. In addition, MRA works with allies in government, non-profit, and industry to promote awareness about melanoma among the public.

As you know, in the U.S., one person dies every hour from melanoma and the numbers of skin cancer cases have risen dramatically. Sadly, many skin cancers could be prevented simply by reducing exposure to UV radiation, the leading environmental factor in the development of skin cancer.

We believe that it is important for Americans to have access to the latest sunscreen technology to help curb the current skin cancer epidemic in the United States and that is why we joined the Public Access to SunScreens (PASS) Coalition. The PASS Coalition is a multi-stakeholder coalition formed to advocate for a regulatory pathway to market for new, safe and effective sunscreen ingredients. Specifically, the purpose of the Coalition is to develop reforms that guarantee a timely review by the Food & Drug Administration (FDA) of pending Time and Extent Applications (TEAs) for over-the-counter (OTC) sunscreen ingredients.

There is unprecedented opportunity to make a difference in the future course of melanoma and other skin cancers. We are especially grateful for your leadership in the fight against melanoma. Despite recent progress in the field, much more needs to be done until melanoma prevention is effectively addressed.

MRA would like to thank you for introducing the Sunscreen Innovation Act. We look forward to working with you to enact this legislation this summer.

If you should have any questions or concerns, please do not hesitate to contact me. Thank you.

Sincerely,

WENDY K.D. SELIG,
MRA President and Chief Executive Officer.

MELANOMA RESEARCH FOUNDATION,
Washington, DC, April 29, 2014.

Re Letter of Support for H.R. 4250, the Sunscreen Innovation Act

DEAR SENATOR REED, SENATOR ISAKSON, REPRESENTATIVE WHITFIELD AND REPRESENTATIVE DINGELL: On behalf of The Melanoma Research Foundation (MRF) I am writing to express my support for the Sunscreen Innovation Act (S. 2141 and H.R. 4250). The MRF supports the Sunscreen Innovation Act because it will reform the current sunscreen approval process and encourages Congress to enact this critical legislation as soon as possible.

As you know, despite dramatic increases in rates of melanoma and skin cancer, the last time the FDA approved a new sunscreen ingredient is the 1990s. The Sunscreen Innovation Act will provide Americans access to the latest sunscreen technology, which addresses America's growing skin cancer epidemic and fosters innovation in sunscreen. Its provisions create a transparent and predictable review process and guarantees that safe and effective products reach consumers within a defined timeframe.

The Melanoma Research Foundation (MRF) is the largest independent organization devoted to melanoma. The MRF is a 501(c) (3) nonprofit organization. Committed to the support of medical research in finding effective treatments and eventually a cure for melanoma, the MRF also educates patients, caregivers and physicians about the prevention, diagnosis and treatment of melanoma.

Just one blistering sunburn at an early age can double a person's chance of developing melanoma. Regular use of sunscreen can greatly reduce the risk. The FDA's inaction over the past 12 years has prevented consumers from having access to new sunscreen products that could potentially save their lives.

We believe that it is important for Americans to have access to the latest sunscreen technology to help curb the current skin cancer epidemic in the United States and that is why we joined the Public Access to SunScreens (PASS) Coalition. The PASS Coalition is a multi-stakeholder coalition formed to advocate for a regulatory pathway to market for new, safe and effective sunscreen ingredients. Specifically, the purpose of the Coalition is to develop reforms that guarantee a timely review by the Food & Drug Administration (FDA) of pending Time and Extent Applications (TEAs) for over-the-counter (OTC) sunscreen ingredients.

The MRF would you like to thank you for introducing the Sunscreen Innovation Act. We look forward to working with you to enact this legislation this summer.

If you should have any questions or concerns, please do not hesitate to contact me. Thank you.

Sincerely,

MARY ANTONUCCI,
National Director of Advocacy and Volunteer Services, The Melanoma Research Foundation.

Mr. DINGELL. I would like to observe that the staff has performed extraordinary work on this matter. I want to congratulate and thank Greg Sunstrum on my staff, as well as Taylor Booth, John Stone, Carly McWilliams, and Eric Flamm for their hard work on the legislation, and I want to recognize members of the PASS Coalition for their hard work and advocacy on behalf of this important issue.

Mr. Speaker, I reserve the balance of my time.

Mr. WHITFIELD. Mr. Speaker, at this time, I would like to yield 5 minutes to my colleague from Michigan (Mr. UPTON), the chairman of the Energy and Commerce Committee.

Mr. UPTON. Mr. Speaker, I rise today in support of this very important bipartisan legislation to indeed help protect the public health. H.R. 4250, the Sunscreen Innovation Act, is just that.

The growing rate of skin cancer in the U.S., including melanoma, is indeed alarming. According to the American Cancer Society, more Americans are diagnosed with skin cancer every year than breast, prostate, lung, and colon cancer combined, and in 2015, this year, one in every 50 of our constituents is going to be diagnosed with melanoma. We have got to take every step that we can to combat this public health crisis.

Sadly, advancements in sunscreen have failed to keep pace with the increased awareness of the harm overexposure to the Sun can cause. The FDA has not approved a new nonprescription sunscreen ingredient for nearly 20 years, despite the fact that several applications have been pending at the agency for products that have been used safely and effectively in Europe and other parts of the world.

The review process that these products have to go through at the FDA is, quite simply, broken. It needs to be fixed, and that is what this legislation does.

I particularly want to commend the work that my good friend from the great State of Michigan (Mr. DINGELL) and Mr. WHITFIELD and members of our entire committee, as this bill passed with unanimous support as we moved through the process. We wanted to come up with a solution to allow the FDA to fix the problem, and that is what this bill does.

The Sunscreen Innovation Act is going to address the current backlog of applications pending at the FDA, as well as establish a predictable and transparent review process for new applications, incorporating meaningful input from experts and the public.

The bill also establishes the number of timeframes for decisionmaking at the FDA and remove administrative hurdles identified by the FDA to the sunscreen approval process. More importantly, it is going to allow Americans to benefit from these products sooner, while ensuring that they are indeed safe and effective.

We have had great success in our Energy and Commerce Committee this Congress, with over a dozen public health bills that have already been signed into law, obviously all bipartisan, and I am confident that this commonsense bill which received, again, unanimous support at our committee will soon be part of our strong record of results.

In fact, I am told that this is the 61st bill that our committee has reported

out that will be approved on the House floor. That is a pretty good record of achievement.

This one really, like the others, has a real impact on all of our constituents. It gives the FDA the rightful tools, so that we can get to the bottom of the problem which impacts one in 50 Americans.

So, again, I want to compliment Mr. DINGELL, Mr. WHITFIELD, Mr. PALLONE, Mr. WAXMAN, and others for helping deliver this bill to the House floor, and I look forward to a strong vote—hopefully voice—in a few minutes.

Mr. DINGELL. Mr. Speaker, I have no further requests for time, so if the gentleman, my good friend, Mr. WHITFIELD, is ready, I am prepared to yield back with the strong urging to my colleagues to support this bill—which is strongly bipartisan—unanimously brought forward to the Congress and which has the strong support of both industry, government, and health groups.

Mr. Speaker, I yield back the balance of my time.

Mr. WHITFIELD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I want to, once again, thank Mr. DINGELL, and I appreciate his naming the staff because there was a lot of negotiations with FDA on this bill, and Taylor Booth on my staff and other members of the Energy and Commerce Committee staff, as named by Mr. DINGELL, I want to give special thanks to them, and also, we appreciate the efforts of Mr. PITTS, who is the chairman of the Health Subcommittee.

Without the help of him, Mr. PALLONE, and their staffs, we would not have been able to bring this bill to the floor. So I would urge everyone to support it, and with that, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Kentucky (Mr. WHITFIELD) that the House suspend the rules and pass the bill, H.R. 4250, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

PAUL D. WELLSTONE MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH AND EDUCATION AMENDMENTS OF 2014

Mr. BURGESS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 594) to reauthorize and extend the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research, and Education Amendments of 2008, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 594

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Paul D. Wellstone Muscular Dystrophy Community Assistance, Research and Education Amendments of 2014''.

SEC. 2. INITIATIVE THROUGH THE DIRECTOR OF THE NATIONAL INSTITUTES OF HEALTH.

Section 404E of the Public Health Service Act (42 U.S.C. 283g) is amended—

(1) in subsection (a)(1)—

(A) by striking ''Muscoskeletal'' and inserting ''Musculoskeletal''; and

(B) by inserting ''Becker, congenital muscular dystrophy, limb-girdle muscular dystrophy,'' after ''Duchenne,'';

(2) in subsection (b)—

(A) in paragraph (2)—

(i) by striking ''genetics,'' at the second place it appears; and

(ii) by inserting ''cardiac and pulmonary function, and'' after ''imaging,''; and

(B) in paragraph (3), by inserting ''and sharing of data'' after ''regular communication'';

(3) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''15'' and inserting ''18''; and

(ii) in subparagraph (A)—

(I) by striking ''and the Food and Drug Administration'' and inserting '', the Food and Drug Administration, and the Administration for Community Living'';

(II) by inserting ''and adults'' after ''children''; and

(III) by striking ''such as the Department of Education'' and inserting ''including the Department of Education and the Social Security Administration''; and

(B) in paragraph (4)(B), by inserting '', but shall meet no fewer than two times per calendar year'' before the period; and

(4) in subsection (e)—

(A) in paragraph (1)—

(i) in the matter preceding subparagraph (A), by striking ''through the national research institutes'' and inserting ''through the agencies represented on the Coordinating Committee pursuant to subsection (d)(2)(A)''; and

(ii) in subparagraph (A)—

(I) by inserting ''public services,'' before ''and rehabilitative issues''; and

(II) by inserting '', studies to demonstrate the cost-effectiveness of providing independent living resources and support to patients with various forms of muscular dystrophy, and studies to determine optimal clinical care interventions for adults with various forms of muscular dystrophy'' after ''including studies of the impact of such diseases in rural and underserved communities''; and

(B) in paragraph (2)(D), by inserting after ''including new biological agents'' the following: ''and new clinical interventions to improve the health of those with muscular dystrophy''.

SEC. 3. SURVEILLANCE AND RESEARCH REGARDING MUSCULAR DYSTROPHY.

The second sentence of section 317Q(b) of the Public Health Service Act (42 U.S.C. 247b–18(b)) is amended by inserting before the period the following: ''and, to the extent possible, ensure that data be representative of all affected populations and shared in a timely manner''.

SEC. 4. INFORMATION AND EDUCATION.

Section 5(c) of the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2001 (42 U.S.C. 247b–19(c)) is amended—

(1) in paragraph (2)—

(A) by inserting ''for pediatric and adult patients, including acute care considerations,'' after ''issuance of care considerations'';

(B) by inserting ''various'' before ''other forms of muscular dystrophy''; and

(C) by striking ''and'' at the end;

(2) by redesignating paragraph (3) as paragraph (4);

(3) by inserting after paragraph (2) the following:

''(3) in developing and updating care considerations under paragraph (2), incorporate strategies specifically responding to the findings of the national transitions survey of minority, young adult, and adult communities of muscular dystrophy patients; and''; and

(4) in paragraph (4), as redesignated, by inserting ''various'' before ''other forms of muscular dystrophy''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas (Mr. BURGESS) and the gentleman from New York (Mr. ENGEL) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

GENERAL LEAVE

Mr. BURGESS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks and insert extraneous materials in the RECORD on the bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BURGESS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, thank you for the recognition to discuss this bipartisan, bicameral legislation that was introduced with Mr. ENGEL of New York, H.R. 594, the Muscular Dystrophy Community Assistance, Research and Education Amendments of 2014, or the MD CARE Act.

H.R. 594 has 113 bipartisan cosponsors. This bill makes targeted updates and improvements to legislation first passed by Congress in 2001 and then reauthorized in 2008. In each instance, these bills, including H.R. 594, have passed both subcommittee and full committee on voice votes and passed overwhelmingly on the floor under suspension, a trend I hope we can continue today.

Mr. Speaker, this legislation is supported by the totality of the muscular dystrophy community with over 20 organizations writing letters of support, including the Muscular Dystrophy Association and the Parent Project Muscular Dystrophy.

In short, the underlying law is a success story. Since its enactment, this law has successfully targeted limited Federal resources to improve clinical care across the muscular dystrophies.

Muscular dystrophy is not a single disease. It is a group of genetic disorders characterized by progressive weakness and the loss of voluntary muscles that control movement.

Muscular dystrophy affects hundreds of thousands of children and adults throughout the United States and worldwide. Some forms of muscular dystrophy are seen in infancy or childhood, while others may not appear until adulthood. The extent of muscle weakness, as well as rate of progression, varies based on where among a spectrum of muscular dystrophies a patient falls.

Since 2001, this law has successfully changed the lives of families impacted

by all forms of muscular dystrophy. It has coordinated and focused Federal biomedical research on nine forms of muscular dystrophy, developed epidemiologic data, and created patient care guidelines.

Here is the good news: it has made a real difference. Since 2001, there have been 67 clinical trials of drugs or therapies for muscular dystrophy, and many can be traced to the basic research efforts stemming from this law.

In Duchenne muscular dystrophy alone, children are living 10 years longer, and many are now entering young adulthood. However, as we often heard, sometimes the law does not keep pace with science and medicine.

For example, when the original law was written, those children who are now going into adulthood would not have been able to look forward to such a favorable timeline. It does not make sense that we have developed care guidelines that have helped these patients live longer and then stop when they turn 18. This bill will address these issues with small, targeted updates to current law.

Mr. Speaker, let me be very clear about this. This bill creates no new programs, this bill creates no increases of authorizations of appropriations, nor does it create additional authorizations of appropriations. It simply proposes a small set of improvements intended to ensure that the program is focusing on the most critical areas that funding being provided today reflects current scientific and medical knowledge.

The bill is fiscally responsible because it makes the needed update in law to ensure that any money that is spent is not held back by an outdated statute.

I would like to thank Chairmen UPTON and PITTS, as well as Ranking Members WAXMAN and PALLONE for their help. I also want to thank the staff on both sides of the dais in the committee and the Capitol for their work in getting this bill to this point.

Specifically, I want to thank Clay Alspach, Katie Novaria, and Brenda Destro with the Energy and Commerce majority, and Hannah Green with the minority; from Mr. ENGEL's staff, Mark Iozzi and Heidi Ross, who negotiated with my staff in good faith from day one; and on my staff, I particularly want to thank my deputy chief of staff J.P. Paluskiewicz who led negotiations, as well as Katie Allen and my former staffer, Sarah Johnson.

This bill is bipartisan. It has a history of consensus. It is fiscally responsible and will benefit all Americans suffering from muscular dystrophy.

I urge everyone to support it, and I reserve the balance of my time.

Mr. ENGEL. Mr. Speaker, I rise in strong support of H.R. 594, the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research and Education Amendments, and I yield myself such time as I may consume.

Mr. Speaker, I worked with the gentleman from Texas, Dr. BURGESS, to introduce this bill, and I would personally like to thank him for his hard work and partnership developing the legislation and bringing it through the Energy and Commerce Committee.

I would also like to thank our colleagues, Representatives WAXMAN, PALLONE, PITTS, and UPTON, for their support and effort to get this bill here today.

Mr. Speaker, the MD CARE Act has always enjoyed full bipartisan support. Congress first approved it in 2001, we updated it in 2008, and we are doing the same now. I am pleased to see that this bipartisan tradition remains strong as we continue the fight against muscular dystrophy by taking up this legislation today.

As I am sure many of my colleagues already know and as Dr. BURGESS pointed out, muscular dystrophy is not a single disease, but a spectrum of genetic disorders resulting from progressive muscle weakness and degeneration.

Hundreds of thousands of children and adults currently suffer from various forms of muscular dystrophy in the United States and around the world.

□ 1800

Although there is still no cure, the MD CARE Act has played a critical role in improving the lives of those suffering from these lethal disorders. The MD CARE Act has successfully coordinated and focused biomedical research, established clinical care standards, improved data collection, and helped generate more than 65 clinical trials, more than 30 of which are still ongoing.

As a direct result of this law, the lifespan of the average American living with Duchenne muscular dystrophy—the most common form of muscular dystrophy in children—has increased by a full 10 years. That is a statistic of which we can be proud. This progress is substantial, and the law needs to be updated to reflect these developments.

As people live longer, their needs evolve. The legislation we are considering today responds to the changing needs of muscular dystrophy patients without requiring any additional authorization of appropriations. It will make targeted updates to the MD CARE Act, bringing our programs in line with the scientific advancements we have made since 2008 when the law was last updated.

The bill allows the Director of the National Institutes of Health to expand and intensify programs targeted at the nine most common forms of muscular dystrophy. It also enhances research at the Wellstone Centers of Excellence, strengthens the Muscular Dystrophy Coordinating Committee, updates data collection, and increases awareness of treatment options among medical professionals.

This bill is supported by 113 bipartisan cosponsors, and it has the full backing of the muscular dystrophy community. Passing H.R. 594 will make a huge difference in the lives of all those affected by muscular dystrophy. I urge my colleagues to give it their full support.

I want to conclude by thanking majority and minority staff, which Dr. BURGESS mentioned, and I once again thank him for his partnership on this bill.

I yield back the balance of my time.

Mr. BURGESS. Mr. Speaker, I yield 5 minutes to the gentleman from Michigan (Mr. UPTON), chairman of the full committee.

Mr. UPTON. Mr. Speaker, I rise this afternoon in support of yet another very important health bill advanced by our Energy and Commerce Committee, H.R. 594, the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research and Education Amendments of 2014, or the MD CARE Act. The bill again demonstrates the continued bipartisan achievements of our committee, and particularly of the Health Subcommittee which has a proven track record of getting solutions put into law that have a profound, positive effect on Americans all across the country.

Muscular dystrophy, it is a complex group of diseases that affects the mobility and life expectancy of so many Americans. Current treatments can alleviate symptoms of the muscular dystrophies like Duchenne and slow muscle deterioration, but there is no treatment to reverse it. It is very sad. Even with the progress made by researchers, obviously a lot of work remains.

This legislation is going to help us find the answers to these diseases. The bill ensures the continuation of critical research at the NIH and updates language in the Public Health Service Act to reflect the latest scientific advances. In addition, the Muscular Dystrophy Coordinating Committee of HHS is going to be strengthened to accelerate the understanding of the impact of muscular dystrophy on patients; and, more importantly, it is going to work to find ways to expedite the approval of emerging therapies that will hopefully some day lead to a cure.

I want to particularly thank Dr. BURGESS and ELIOT ENGEL for their leadership on this bill, and also Chairman PITTS and Ranking Members WAXMAN and PALLONE.

I have to say that this is now the 62nd bill that our committee will have passed out of full committee that will pass on the House floor. We have than more a dozen bipartisan committee bills, public health bills that have already been signed into law. We hope this will be one of those as we advance this bill, as well as the Sunscreen Innovation Act, which we just passed a few minutes ago.

I know that this Congress can be remembered as the public health Congress, and I urge my colleagues to support this important legislation which passed by a voice vote unanimously in our committee. It sends a strong signal

to those individuals and their families impacted by muscular dystrophy that Congress—yes, we are—is committed to finding a cure. We will find the resources to do this. This legislation is yet another step, and I urge my colleagues to vote ''yes.''

Mr. BURGESS. Mr. Speaker, let me close by saying this is a good bill, and I urge all Members to support it.

I yield back the balance of my time.

Mr. WAXMAN. Mr. Speaker, I want to express my support for H.R. 594, the Paul D. Wellstone Muscular Dystrophy Community Assistance, Research and Education (MD CARE) Amendments of 2014.

The Centers for Disease Control and Prevention and the National Institutes of Health oversee a number of research, surveillance, and educational efforts involving muscular dystrophy.

H.R. 594 will build upon the federal government's current activities regarding muscular dystrophy. Scientific advances have extended the lives of individuals living with forms of muscular dystrophy—like Duchenne. Today's legislation will help better incorporate the needs of adults with muscular dystrophy into current work in this area.

Congressman ENGEL and Congressman BURGESS should be recognized for their leadership on this issue. I would also like to thank Chairman UPTON, Chairman PITTS, Ranking Member PALLONE, and all of our staff for their work in advancing this bill through the Energy and Commerce Committee.

I support H.R. 594 and urge my colleagues to do the same.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Texas (Mr. BURGESS) that the House suspend the rules and pass the bill, H.R. 594, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title of the bill was amended so as to read: ''A bill to amend the Public Health Service Act relating to Federal research on muscular dystrophy, and other purposes.''.

A motion to reconsider was laid on the table.

SAFE AND SECURE FEDERAL WEBSITES ACT OF 2014

Mr. BENTIVOLIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3635) to ensure the functionality and security of new Federal websites that collect personally identifiable information, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3635

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Safe and Secure Federal Websites Act of 2014''.

SEC. 2. ENSURING FUNCTIONALITY AND SECURITY OF NEW FEDERAL WEBSITES THAT COLLECT PERSONALLY IDENTIFIABLE INFORMATION.

(a) CERTIFICATION REQUIREMENT.—

(1) IN GENERAL.—Except as otherwise provided under this subsection, an agency may not deploy or make available to the public a new Federal PII website until the date on which the chief information officer of the agency submits a certification to Congress that the website is fully functional and secure.

(2) TRANSITION.—In the case of a new Federal PII website that is operational on the date of the enactment of this Act, paragraph (1) shall not apply until the end of the 90-day period beginning on such date of enactment. If the certification required under paragraph (1) for such website has not been submitted to Congress before the end of such period, the head of the responsible agency shall render the website inaccessible to the public until such certification is submitted to Congress.

(3) EXCEPTION FOR BETA WEBSITE WITH EXPLICIT PERMISSION.—Paragraph (1) shall not apply to a website (or portion thereof) that is in a development or testing phase, if the following conditions are met:

(A) A member of the public may access PII-related portions of the website only after executing an agreement that acknowledges the risks involved.

(B) No agency compelled, enjoined, or otherwise provided incentives for such a member to access the website for such purposes.

(4) CONSTRUCTION.—Nothing in this section shall be construed as applying to a website that is operated entirely by an entity (such as a State or locality) that is independent of the Federal Government, regardless of the receipt of funding in support of such website from the Federal Government.

(b) DEFINITIONS.—In this section:

(1) AGENCY.—The term ''agency'' has the meaning given that term under section 551 of title 5, United States Code.

(2) FULLY FUNCTIONAL.—The term ''fully functional'' means, with respect to a new Federal PII website, that the website can fully support the activities for which it is designed or intended with regard to the eliciting, collection, storage, or maintenance of personally identifiable information, including handling a volume of queries relating to such information commensurate with the purpose for which the website is designed.

(3) NEW FEDERAL PERSONALLY IDENTIFIABLE INFORMATION WEBSITE (NEW FEDERAL PII WEBSITE).—The terms ''new Federal personally identifiable information website'' and ''new Federal PII website'' mean a website that—

(A) is operated by (or under a contract with) an agency;

(B) elicits, collects, stores, or maintains personally identifiable information of individuals and is accessible to the public; and

(C) is first made accessible to the public and collects or stores personally identifiable information of individuals, on or after October 1, 2012.

(4) OPERATIONAL.—The term ''operational'' means, with respect to a website, that such website elicits, collects, stores, or maintains personally identifiable information of members of the public and is accessible to the public.

(5) PERSONALLY IDENTIFIABLE INFORMATION (PII).—The terms ''personally identifiable information'' and ''PII'' mean any information about an individual elicited, collected, stored, or maintained by an agency, including—

(A) any information that can be used to distinguish or trace the identity of an individual, such as a name, a social security number, a date and place of birth, a mother's maiden name, or biometric records; and

(B) any other information that is linked or linkable to an individual, such as medical, educational, financial, and employment information.

(6) RESPONSIBLE AGENCY.—The term ''responsible agency'' means, with respect to a new Federal PII website, the agency that is responsible for the operation (whether directly or through contracts with other entities) of the website.

(7) SECURE.—The term ''secure'' means, with respect to a new Federal PII website, that the following requirements are met:

(A) The website is in compliance with subchapter III of chapter 35 of title 44, United States Code.

(B) The website ensures that personally identifiable information elicited, collected, stored, or maintained in connection with the website is captured at the latest possible step in a user input sequence.

(C) The responsible agency for the website has taken reasonable efforts to minimize domain name confusion, including through additional domain registrations.

(D) The responsible agency requires all personnel who have access to personally identifiable information in connection with the website to have completed a Standard Form 85P and signed a non-disclosure agreement with respect to personally identifiable information, and the agency takes proper precautions to ensure only trustworthy persons may access such information.

(E) The responsible agency maintains (either directly or through contract) sufficient personnel to respond in a timely manner to issues relating to the proper functioning and security of the website, and to monitor on an ongoing basis existing and emerging security threats to the website.

(8) STATE.—The term ''State'' means each State of the United States, the District of Columbia, each territory or possession of the United States, and each federally recognized Indian tribe.

SEC. 3. PRIVACY BREACH REQUIREMENTS.

(a) INFORMATION SECURITY AMENDMENT.—Subchapter III of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''§ 3550. Privacy breach requirements

''(a) POLICIES AND PROCEDURES.—The Director of the Office of Management and Budget shall establish and oversee policies and procedures for agencies to follow in the event of a breach of information security involving the disclosure of personally identifiable information, including requirements for—

''(1) not later than 72 hours after the agency discovers such a breach, or discovers evidence that reasonably indicates such a breach has occurred, notice to the individuals whose personally identifiable information could be compromised as a result of such breach;

''(2) timely reporting to a Federal cybersecurity center, as designated by the Director of the Office of Management and Budget; and

''(3) any additional actions that the Director finds necessary and appropriate, including data breach analysis, fraud resolution services, identity theft insurance, and credit protection or monitoring services.

''(b) REQUIRED AGENCY ACTION.—The head of each agency shall ensure that actions taken in response to a breach of information security involving the disclosure of personally identifiable information under the authority or control of the agency comply with policies and procedures established by the Director of the Office of Management and Budget under subsection (a).

''(c) REPORT.—Not later than March 1 of each year, the Director of the Office of Management and Budget shall report to Congress on agency compliance with the policies and procedures established under subsection (a).

''(d) FEDERAL CYBERSECURITY CENTER DEFINED.—The term 'Federal cybersecurity center' means any of the following:

''(1) The Department of Defense Cyber Crime Center.

''(2) The Intelligence Community Incident Response Center.

''(3) The United States Cyber Command Joint Operations Center.

''(4) The National Cyber Investigative Joint Task Force.

''(5) Central Security Service Threat Operations Center of the National Security Agency.

''(6) The United States Computer Emergency Readiness Team.

''(7) Any successor to a center, team, or task force described in paragraphs (1) through (6).

''(8) Any center that the Director of the Office of Management and Budget determines is appropriate to carry out the requirements of this section.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of sections for subchapter III of chapter 35 of title 44, United States Code, is amended by adding at the end the following:

''3550. Privacy breach requirements.''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. BENTIVOLIO) and the gentleman from Massachusetts (Mr. LYNCH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. BENTIVOLIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BENTIVOLIO. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, we, as Members of Congress, have been sent here to protect the people's right to privacy, not take it away. My bill, H.R. 3635, will help to instill confidence in Americans that their privacy and personal information is secure. H.R. 3635 will help ensure the functionality and security of Federal Web sites. The escalation of security breaches involving personally identifiable information has contributed to the loss of millions of records over the past few years, both within and outside the Federal Government.

Web sites that fail to meet their intended function are a waste of taxpayer dollars and can result in needless frustration to the end user who is trying to access a Federal service or benefit. The harm to the Federal Government is the loss of public trust, as well as potential legal liability or remediation costs that the taxpayer may ultimately bear.

H.R. 3635 guards against the loss of the public's trust by requiring agency chief information officers certify that Federal Web sites collecting personally identifiable information are fully functional and secure. In addition, the bill requires agencies to notify affected individuals that their personally identifiable information may have been compromised within 72 hours of a known or suspected data breach.

I would like to thank Chairman ISSA, Ranking Member CUMMINGS, and Congressman CONNOLLY for their support of the bill, along with Chairman MCCAUL and committee staff.

I reserve the balance of my time.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

I think we all agree that Federal agency Web sites must be secure in order to protect taxpayers from being the victims of an information security breach. For that reason, I support the measure before us, the Safe and Secure Federal Websites Act. The recent data breaches at Target, Neiman Marcus, and other retail establishments affected more than 100 million Americans. The importance of information security cannot be overstated.

It is the responsibility of Congress to ensure that the Federal Government is not the source of these types of data breaches and to ensure that the personally identifiable information of American citizens is not compromised through Federal Web sites. This bill would require agency chief information officers to certify to Congress the functionality and security of new or substantially modified Web sites that contain personally identifiable information. It would also require that existing Web sites that contain personally identifiable information meet these security requirements within 90 days.

We are not known for our speed around here, so I am not entirely sure that that will be enough for agencies to secure existing Web sites. I hope, as this bill moves forward in the legislation, the timeliness issue is addressed. However, overall, these requirements are positive, beginning steps in preventing harmful data breaches within the Federal Government.

I also want to take special time to mention and to thank Congressman CONNOLLY from Virginia for his positive contribution to this legislation and for his work on data security issues. Mr. CONNOLLY's amendment to this legislation closes the loopholes in Federal privacy requirements and streamlines Federal oversight of agency implementation of privacy policies and procedures pertaining to agency responses to security incidents involving personally identifiable information.

I join with the gentleman from Virginia in sincerely hoping that we can continue to work together to move this bill forward in a bipartisan manner. I also hope that we can work together to ensure that this bill is compatible with the existing framework of the Federal Security Management Act.

I have no further speakers, and I yield back the balance of my time.

Mr. BENTIVOLIO. Mr. Speaker, I yield myself such time as I may consume.

This bill has 126 cosponsors and passed out of committee with bipartisan support. I strongly urge passage of this bill to protect the privacy of Americans accessing Federal Web sites and support this bipartisan legislation.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. BENTIVOLIO) that the House suspend the rules and pass the bill, H.R. 3635, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

LANCE CORPORAL WESLEY G. DAVIDS AND CAPTAIN NICHOLAS J. ROZANSKI MEMORIAL POST OFFICE

Mr. BENTIVOLIO. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 4919) to designate the facility of the United States Postal Service located at 715 Shawan Falls Drive in Dublin, Ohio, as the ''Lance Corporal Wesley G. Davids and Captain Nicholas J. Rozanski Memorial Post Office''.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 4919

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. LANCE CORPORAL WESLEY G. DAVIDS AND CAPTAIN NICHOLAS J. ROZANSKI MEMORIAL POST OFFICE.

(a) DESIGNATION.—The facility of the United States Postal Service located at 715 Shawan Falls Drive in Dublin, Ohio, shall be known and designated as the ''Lance Corporal Wesley G. Davids and Captain Nicholas J. Rozanski Memorial Post Office''.

(b) REFERENCES.—Any reference in a law, map, regulation, document, paper, or other record of the United States to the facility referred to in subsection (a) shall be deemed to be a reference to the ''Lance Corporal Wesley G. Davids and Captain Nicholas J. Rozanski Memorial Post Office''.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Michigan (Mr. BENTIVOLIO) and the gentleman from Massachusetts (Mr. LYNCH) each will control 20 minutes.

The Chair recognizes the gentleman from Michigan.

GENERAL LEAVE

Mr. BENTIVOLIO. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous remarks on the bill under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

Mr. BENTIVOLIO. Mr. Speaker, I yield such time as he may consume to the gentleman from Ohio (Mr. TIBERI).

Mr. TIBERI. Mr. Speaker, I thank the gentleman from Michigan as well as the chairman of the Oversight and Government Reform Committee, Chairman ISSA, for their ability to pass this through committee and bring it to the floor today.

Mr. Speaker, I rise in support of my bill, H.R. 4919, to designate the United States Postal Service facility located at 715 Shawan Falls Drive in Dublin, Ohio, as the Lance Corporal Wesley G. Davids and Captain Nicholas J. Rozanski Memorial Post Office.

Marine Lance Corporal Wesley Davids was 16 years old and still attending Dublin Scioto High School when he

was inspired to serve our Nation following the terrorist attacks on September 11, 2001. He was killed the day after his 20th birthday in May of 2005 while fighting in Iraq. He was a member of the Columbus-based Lima Company. Twenty-three total servicemembers from Lima Company died in Iraq. Marine Lance Corporal Davids died during a 96-hour period, Mr. Speaker, in which six members died and 15 were wounded.

Marine Lance Corporal Davids was always willing to lend a hand. His family and friends say he was full of energy, especially when it came to driving or working on cars. He was also a standout rower in high school and well-loved by his community. Crowds lined the street following his memorial service. He is survived by his parents, Jody and Michael, and brother, Steven, in Dublin, Ohio.

□ 1815

Captain Nicholas Rozanski attended Dublin High School and was a lifelong resident of Dublin, which he called ''God's country.''

He proudly served on multiple deployments to Kosovo and Iraq as a member of the Ohio National Guard before he was killed on April 4, 2012, while fighting in Afghanistan. He was described as a model leader who genuinely cared about the men under his command.

Captain Rozanski also was a very proud graduate of Ohio State University, and made a difference in his community by coaching youth soccer for nearly 15 years. He was an accomplished runner, having completed three marathons, and was described by his loved ones as mischievous and witty, with a sparkle in his eye, who loved nothing more than doting on his young daughters. He is survived by his wife, Jennifer; daughters, Emma Kathryn and Anna Elizabeth; his father, Jan Rozanski, and mother, Pamela Mitchell; along with many other family and friends in Dublin, Ohio.

These two heroes, Mr. Speaker, put their country before themselves, and made the ultimate sacrifice. Today, we honor their sacrifice, and that of their families. By naming this postal facility in Dublin, Ohio, after them, their bravery and honor will never be forgotten.

Mr. Speaker, I encourage my colleagues to support the bill.

Mr. LYNCH. Mr. Speaker, I yield myself such time as I may consume.

I am pleased to join my colleagues from Ohio and Michigan in the consideration of H.R. 4919, a bill to designate the facility of the United States Postal Service located at 715 Shawan Falls Drive, in Dublin, Ohio, as the Lance Corporal Wesley G. Davids and Captain Nicholas J. Rozanski Memorial Post Office.

As my friend from Ohio has noted, Lance Corporal Wesley G. Davids grew up in Dublin, Ohio, and graduated from Dublin Scioto High School in 2003. After the September 11, 2001, terrorist attacks, Mr. Davids was inspired to join the Marine Corps. He was deployed to Iraq with the 4th Marine Division, Marine Forces Reserve of Columbus, Ohio. On May 11, 2005, just one day after his 20th birthday, Lance Corporal Davids was tragically killed while conducting combat operations against enemy forces in Iraq.

Also a native of Dublin, Ohio, Captain Nicholas Rozanski graduated from Dublin High School in 1994 and Ohio State University in 1999. Nicholas came from a family that honors military service and signed up for the National Guard in 2003. After deployments to Kosovo in 2004 and Iraq in 2007, Captain Rozanski was deployed to Afghanistan as a member of the 37th Infantry Brigade Combat Team in 2012. On April 4, 2012, Captain Rozanski was killed by a Taliban suicide bomber in northern Afghanistan. He is survived by his loving wife and two daughters.

Mr. Speaker, we should pass this bill to honor these two fallen heroes, these sons of Ohio, who have made the ultimate sacrifice on behalf of our country.

I urge the passage of H.R. 4919, and I yield back the balance of my time.

Mr. BENTIVOLIO. Mr. Speaker, I urge my colleagues to support passage of this bill, and I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Michigan (Mr. BENTIVOLIO) that the House suspend the rules and pass the bill, H.R. 4919.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill was passed.

A motion to reconsider was laid on the table.

TITLE AMENDMENT TO H.R. 594, PAUL D. WELLSTONE MUSCULAR DYSTROPHY COMMUNITY ASSISTANCE, RESEARCH AND EDUCATION AMENDMENTS OF 2014

The SPEAKER pro tempore. Without objection, the title of H.R. 594 is amended to read as follows: ''A bill to amend the Public Health Service Act relating to Federal research on muscular dystrophy, and for other purposes.''

There was no objection.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until approximately 6:30 p.m. today.

Accordingly (at 6 o'clock and 19 minutes p.m.), the House stood in recess.

□ 1830

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. BYRNE) at 6 o'clock and 30 minutes p.m.

ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX, proceedings will resume on motions to suspend the rules previously postponed.

Votes will be taken in the following order:

H.R. 935, by the yeas and nays;

H.R. 3202, by the yeas and nays;

H.R. 3107, de novo.

The first electronic vote will be conducted as a 15-minute vote. Remaining electronic votes will be conducted as 5-minute votes.

REDUCING REGULATORY BURDENS ACT OF 2013

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 935) to amend the Federal Insecticide, Fungicide, and Rodenticide Act and the Federal Water Pollution Control Act to clarify Congressional intent regarding the regulation of the use of pesticides in or near navigable waters, and for other purposes, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Ohio (Mr. GIBBS) that the House suspend the rules and pass the bill.

The vote was taken by electronic device, and there were—yeas 253, nays 148, not voting 31, as follows:

[Roll No. 455]

YEAS—253

Aderholt	Daines	Hudson
Amash	Davis, Rodney	Huelskamp
Amodei	DelBene	Huizenga (MI)
Bachmann	Denham	Hultgren
Bachus	Dent	Hurt
Barber	DeSantis	Issa
Barletta	Diaz-Balart	Jackson Lee
Barr	Duffy	Jenkins
Barrow (GA)	Duncan (SC)	Johnson (OH)
Barton	Duncan (TN)	Johnson, Sam
Benishek	Ellmers	Jolly
Bentivolio	Enyart	Jones
Bilirakis	Farenthold	Jordan
Bishop (GA)	Farr	Joyce
Black	Fattah	Kelly (PA)
Blackburn	Fincher	King (IA)
Boustany	Fitzpatrick	King (NY)
Brady (TX)	Fleischmann	Kingston
Bridenstine	Fleming	Kinzinger (IL)
Brooks (AL)	Flores	Kline
Brooks (IN)	Forbes	Kuster
Broun (GA)	Fortenberry	Labrador
Buchanan	Foxx	LaMalfa
Bucshon	Franks (AZ)	Lamborn
Burgess	Frelinghuysen	Lance
Bustos	Garamendi	Lankford
Butterfield	Garcia	Latham
Byrne	Gardner	Latta
Calvert	Garrett	LoBiondo
Camp	Gerlach	Loebsack
Capito	Gibbs	Long
Capps	Gibson	Lucas
Carney	Gingrey (GA)	Luetkemeyer
Cassidy	Gohmert	Lujan Grisham (NM)
Chabot	Goodlatte	Lummis
Chaffetz	Gosar	Maloney, Sean
Clawson (FL)	Gowdy	Marchant
Coble	Granger	Marino
Coffman	Graves (GA)	Massie
Cole	Griffin (AR)	Matheson
Collins (GA)	Griffith (VA)	McCarthy (CA)
Collins (NY)	Guthrie	McCaul
Conaway	Hall	McClintock
Cook	Hanna	McHenry
Costa	Harper	McIntyre
Cotton	Harris	McKeon
Courtney	Hartzler	McKinley
Cramer	Hastings (WA)	McMorris Rodgers
Crawford	Heck (NV)	Meadows
Crenshaw	Hensarling	
Cuellar	Holding	

Meehan
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Neugebauer
Noem
Nugent
Nunes
Olson
Owens
Palazzo
Paulsen
Pearce
Perlmutter
Perry
Peters (MI)
Peterson
Petri
Pittenger
Pitts
Poe (TX)
Posey
Price (GA)
Rahall
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Runyan
Ryan (WI)
Salmon
Sanford
Scalise
Schock
Schrader
Schweikert
Scott, Austin
Scott, David
Sensenbrenner
Sessions
Sewell (AL)
Shimkus
Simpson
Sinema
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Southerland
Stewart
Stivers
Stockman
Stutzman
Terry
Thompson (PA)
Thornberry
Tiberi
Tipton
Turner
Upton
Valadao
Vela
Wagner
Walberg
Walden
Walorski
Walz
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wittman
Wolf
Womack
Woodall
Yoder
Yoho
Young (AK)
Young (IN)

NAYS—148

Bass
Beatty
Becerra
Bera (CA)
Bishop (NY)
Blumenauer
Bonamici
Brady (PA)
Braley (IA)
Brown (FL)
Brownley (CA)
Capuano
Cárdenas
Carson (IN)
Cartwright
Castor (FL)
Castro (TX)
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clay
Clyburn
Cohen
Connolly
Conyers
Cooper
Crowley
Cummings
Davis (CA)
Davis, Danny
DeFazio
DeGette
Delaney
DeLauro
Deutch
Dingell
Doggett
Doyle
Duckworth
Edwards
Ellison
Engel
Eshoo
Esty
Foster
Frankel (FL)
Fudge
Gallego
Grayson
Green, Al
Green, Gene
Grijalva
Hahn
Hastings (FL)
Heck (WA)
Higgins
Himes
Hinojosa
Holt
Honda
Horsford
Hoyer
Huffman
Israel
Jeffries
Johnson (GA)
Johnson, E. B.
Kaptur
Keating
Kelly (IL)
Kennedy
Kildee
Kilmer
Kind
Kirkpatrick
Langevin
Larson (CT)
Lee (CA)
Levin
Lewis
Lofgren
Lowenthal
Lowey
Luján, Ben Ray (NM)
Lynch
Maffei
Maloney, Carolyn
Matsui
McCarthy (NY)
McCollum
McDermott
McGovern
McNerney
Meeks
Miller, George
Moore
Moran
Nadler
Napolitano
Neal
Negrete McLeod
Nolan
O'Rourke
Pallone
Pascrell
Payne
Pelosi
Peters (CA)
Pingree (ME)
Pocan
Polis
Price (NC)
Quigley
Rangel
Roybal-Allard
Ruiz
Ruppersberger
Sánchez, Linda T.
Sarbanes
Schakowsky
Schiff
Schneider
Schwartz
Scott (VA)
Serrano
Shea-Porter
Sherman
Sires
Slaughter
Smith (WA)
Speier
Swalwell (CA)
Takano
Thompson (CA)
Tierney
Titus
Tonko
Tsongas
Van Hollen
Vargas
Veasey
Velázquez
Visclosky
Wasserman Schultz
Waxman
Wilson (FL)
Yarmuth

NOT VOTING—31

Bishop (UT)
Campbell
Cantor
Carter
Cleaver
Culberson
DesJarlais
Gabbard
Graves (MO)
Grimm
Gutiérrez
Hanabusa
Herrera Beutler
Hunter
Larsen (WA)
Lipinski
McAllister
Meng
Miller, Gary
Nunnelee
Pastor (AZ)
Pompeo
Richmond
Rohrabacher
Rush
Ryan (OH)
Sanchez, Loretta
Shuster
Thompson (MS)
Waters
Wilson (SC)

□ 1857

Messrs. YARMUTH, BLUMENAUER, DANNY K. DAVIS of Illinois, MCDERMOTT, TAKANO, HONDA, RUIZ, and Ms. BROWNLEY of California changed their vote from ''yea'' to ''nay.''

So (two-thirds not being in the affirmative) the motion was rejected.

The result of the vote was announced as above recorded.

ESSENTIAL TRANSPORTATION WORKER IDENTIFICATION CREDENTIAL ASSESSMENT ACT

The SPEAKER pro tempore. The unfinished business is the vote on the motion to suspend the rules and pass the bill (H.R. 3202) to require the Secretary of Homeland Security to prepare a comprehensive security assessment of the transportation security card program, and for other purposes, as amended, on which the yeas and nays were ordered.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentlewoman from Michigan (Mrs. MILLER) that the House suspend the rules and pass the bill, as amended.

This is a 5-minute vote.

The vote was taken by electronic device, and there were—yeas 400, nays 0, not voting 32, as follows:

[Roll No. 456]

YEAS—400

Aderholt
Amash
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Beatty
Becerra
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Black
Blackburn
Blumenauer
Bonamici
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Broun (GA)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Camp
Capito
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Clyburn
Coble
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Crawford
Crenshaw
Crowley
Cuellar
Cummings
Daines
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
Deutch
Dingell
Doggett
Doyle
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gowdy
Granger
Graves (GA)
Grayson
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Hahn
Hall
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Higgins
Himes
Hinojosa
Holding
Holt
Honda
Horsford
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jones
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lamborn
Lance
Langevin
Lankford
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Massie
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Moore
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
Nunes
O'Rourke
Olson
Owens
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Poe (TX)
Polis
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Rooney
Ros-Lehtinen
Roskam
Ross
Rothfus
Roybal-Allard
Royce
Ruiz
Runyan
Ruppersberger
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Stockman
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Walz
Wasserman Schultz
Waxman
Weber (TX)
Webster (FL)
Welch
Wenstrup
Westmoreland
Whitfield
Williams
Wilson (FL)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Yoho
Young (AK)
Young (IN)

NOT VOTING—32

Bass
Bishop (UT)
Campbell
Cantor
Carter
Cleaver
Cramer
Culberson
DesJarlais
Diaz-Balart
Gosar
Graves (MO)
Gutiérrez
Hanabusa
Herrera Beutler
Hunter
Larsen (WA)
Lipinski
McAllister
Meng
Miller, Gary

Nunnelee
Pastor (AZ)
Pompeo
Richmond
Rohrabacher
Rush
Ryan (OH)
Sanchez, Loretta
Thompson (MS)
Waters
Wilson (SC)

□ 1903

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

HOMELAND SECURITY CYBERSECURITY BOOTS-ON-THE-GROUND ACT

The SPEAKER pro tempore. The unfinished business is the question on suspending the rules and passing the bill (H.R. 3107) to require the Secretary of Homeland Security to establish cybersecurity occupation classifications, assess the cybersecurity workforce, develop a strategy to address identified gaps in the cybersecurity workforce, and for other purposes, as amended.

The Clerk read the title of the bill.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Pennsylvania (Mr. MEEHAN) that the House suspend the rules and pass the bill, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the ayes have it.

RECORDED VOTE

Mr. COLLINS of Georgia. Mr. Speaker, I demand a recorded vote.

A recorded vote was ordered.

The SPEAKER pro tempore. This will be a 5-minute vote.

The vote was taken by electronic device, and there were—ayes 395, noes 8, not voting 29, as follows:

[Roll No. 457]

AYES—395

Aderholt
Amodei
Bachmann
Bachus
Barber
Barletta
Barr
Barrow (GA)
Barton
Bass
Beatty
Becerra
Benishek
Bentivolio
Bera (CA)
Bilirakis
Bishop (GA)
Bishop (NY)
Bishop (UT)
Black
Blackburn
Blumenauer
Bonamici
Boustany
Brady (PA)
Brady (TX)
Braley (IA)
Bridenstine
Brooks (AL)
Brooks (IN)
Brown (FL)
Brownley (CA)
Buchanan
Bucshon
Burgess
Bustos
Butterfield
Byrne
Calvert
Camp
Capito
Capps
Capuano
Cárdenas
Carney
Carson (IN)
Cartwright
Cassidy
Castor (FL)
Castro (TX)
Chabot
Chaffetz
Chu
Cicilline
Clark (MA)
Clarke (NY)
Clawson (FL)
Clay
Clyburn
Coble
Coffman
Cohen
Cole
Collins (GA)
Collins (NY)
Conaway
Connolly
Conyers
Cook
Cooper
Costa
Cotton
Courtney
Cramer
Crawford
Crenshaw
Crowley
Cuellar
Cummings
Daines
Davis (CA)
Davis, Danny
Davis, Rodney
DeFazio
DeGette
Delaney
DeLauro
DelBene
Denham
Dent
DeSantis
Deutch
Diaz-Balart
Dingell
Doggett
Doyle
Duckworth
Duffy
Duncan (SC)
Duncan (TN)
Edwards
Ellison
Ellmers
Engel
Enyart
Eshoo
Esty
Farenthold
Farr
Fattah
Fincher
Fitzpatrick
Fleischmann
Fleming
Flores
Forbes
Fortenberry
Foster
Foxx
Frankel (FL)
Franks (AZ)
Frelinghuysen
Fudge
Gabbard
Gallego
Garamendi
Garcia
Gardner
Garrett
Gerlach
Gibbs
Gibson
Gingrey (GA)
Gohmert
Goodlatte
Gosar
Gowdy
Granger
Graves (GA)
Grayson
Green, Al
Green, Gene
Griffin (AR)
Griffith (VA)
Grijalva
Grimm
Guthrie
Hahn
Hall
Hanna
Harper
Harris
Hartzler
Hastings (FL)
Hastings (WA)
Heck (NV)
Heck (WA)
Hensarling
Higgins
Himes
Hinojosa
Holding
Holt
Honda
Horsford
Hoyer
Hudson
Huelskamp
Huffman
Huizenga (MI)
Hultgren
Hurt
Israel
Issa
Jackson Lee
Jeffries
Jenkins
Johnson (GA)
Johnson (OH)
Johnson, E. B.
Johnson, Sam
Jolly
Jordan
Joyce
Kaptur
Keating
Kelly (IL)
Kelly (PA)
Kennedy
Kildee
Kilmer
Kind
King (IA)
King (NY)
Kingston
Kinzinger (IL)
Kirkpatrick
Kline
Kuster
Labrador
LaMalfa
Lamborn
Lance
Langevin
Lankford
Larson (CT)
Latham
Latta
Lee (CA)
Levin
Lewis
LoBiondo
Loebsack
Lofgren
Long
Lowenthal
Lowey
Lucas
Luetkemeyer
Lujan Grisham (NM)
Luján, Ben Ray (NM)
Lummis
Lynch
Maffei
Maloney, Carolyn
Maloney, Sean
Marchant
Marino
Matheson
Matsui
McCarthy (CA)
McCarthy (NY)
McCaul
McClintock
McCollum
McDermott
McGovern
McHenry
McIntyre
McKeon
McKinley
McMorris Rodgers
McNerney
Meadows
Meehan
Meeks
Messer
Mica
Michaud
Miller (FL)
Miller (MI)
Miller, George
Moore
Moran
Mullin
Mulvaney
Murphy (FL)
Murphy (PA)
Nadler
Napolitano
Neal
Negrete McLeod
Neugebauer
Noem
Nolan
Nugent
Nunes
O'Rourke
Olson
Owens
Palazzo
Pallone
Pascrell
Paulsen
Payne
Pearce
Pelosi
Perlmutter
Perry
Peters (CA)
Peters (MI)
Peterson
Petri
Pingree (ME)
Pittenger
Pitts
Pocan
Poe (TX)
Polis
Posey
Price (GA)
Price (NC)
Quigley
Rahall
Rangel
Reed
Reichert
Renacci
Ribble
Rice (SC)
Rigell
Roby
Roe (TN)
Rogers (AL)
Rogers (KY)
Rogers (MI)
Rokita
Ros-Lehtinen
Roskam
Ross
Rothfus
Royce
Ruiz
Runyan
Ruppersberger
Ryan (WI)
Salmon
Sánchez, Linda T.
Sanford
Sarbanes
Scalise
Schakowsky
Schiff
Schneider
Schock
Schrader
Schwartz
Schweikert
Scott (VA)
Scott, Austin
Scott, David
Sensenbrenner
Serrano
Sessions
Sewell (AL)
Shea-Porter
Sherman
Shimkus
Shuster
Simpson
Sinema
Sires
Slaughter
Smith (MO)
Smith (NE)
Smith (NJ)
Smith (TX)
Smith (WA)
Southerland
Speier
Stewart
Stivers
Stutzman
Swalwell (CA)
Takano
Terry
Thompson (CA)
Thompson (PA)
Thornberry
Tiberi
Tierney
Tipton
Titus
Tonko
Tsongas
Turner
Upton
Valadao
Van Hollen
Vargas
Veasey
Vela
Velázquez
Visclosky
Wagner
Walberg
Walden
Walorski
Walz
Wasserman Schultz
Waxman
Webster (FL)
Welch
Wenstrup
Whitfield
Williams
Wilson (FL)
Wittman
Wolf
Womack
Woodall
Yarmuth
Yoder
Young (AK)
Young (IN)

NOES—8

Amash
Broun (GA)
Jones
Massie
Stockman
Weber (TX)
Westmoreland
Yoho

NOT VOTING—29

Campbell
Cantor
Carter
Cleaver
Culberson
DesJarlais
Graves (MO)
Gutiérrez
Hanabusa
Herrera Beutler
Hunter
Larsen (WA)
Lipinski
McAllister
Meng
Miller, Gary
Nunnelee
Pastor (AZ)
Pompeo
Richmond
Rohrabacher
Rooney
Roybal-Allard
Rush
Ryan (OH)
Sanchez, Loretta
Thompson (MS)
Waters
Wilson (SC)

□ 1910

Mr. WESTMORELAND changed his vote from ''aye'' to ''no.''

So (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF H.R. 4315, 21ST CENTURY ENDANGERED SPECIES TRANSPARENCY ACT

Mr. BISHOP of Utah, from the Committee on Rules, submitted a privileged report (Rept. No. 113–563) on the resolution (H. Res. 693) providing for consideration of the bill (H.R. 4315) to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species or threatened species, and for other purposes, which was referred to the House Calendar and ordered to be printed.

REMEMBERING DEMI BRAE CUCCIA: WORKING TO PREVENT TEEN DATING VIOLENCE

(Mr. ROTHFUS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ROTHFUS. Mr. Speaker, I rise to remember Demi Brae Cuccia. Demi was a student and cheerleader at Gateway High School in Monroeville, Pennsylvania, with an outgoing personality and big aspirations for a successful future. Next month, on August 15, we will mark the seventh anniversary of Demi's tragic death. She was murdered just one day after her 16th birthday.

Teen dating violence, like stalking and other kinds of physical, emotional, or sexual abuse, are reprehensible. No child should be subjected to abuse and violence. As a father of six, my heart goes out to Demi's family and friends, especially her parents, Dr. Gary and Jodi Cuccia.

The Cuccia family is working to educate western Pennsylvania students and families about how to recognize and prevent teen dating violence through the Demi Brae Cuccia Awareness Organization. It is my hope that their efforts can help spare other families from the tragedy of teen dating violence.

Please join me in remembering Demi and in thanking the Cuccias for their commitment to ending dating violence.

SUMMER MEALS

(Ms. DUCKWORTH asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Ms. DUCKWORTH. Mr. Speaker, more than 21 million children nationwide and 825,000 in Illinois rely on free or reduced-price meals during the school year. Unfortunately, we often forget that these children can go hungry in the summer months, when they are not in school.

Recently, I visited the Share Our Strength Summer Meal Site in Palatine, Illinois. They provide summer meals to students who normally receive reduced-price breakfasts and lunches during the school year. As someone who was on the school breakfast and school lunch program myself, I know that it is imperative we work to reduce poverty in Illinois and that no child should have to miss their meal.

But our local communities cannot fight hunger on their own. That is why I will be cosponsoring the bipartisan Summer Meals Act, which will expand the USDA Summer Nutrition Program to help more children access quality meals during the summer months.

I believe that in the wealthiest nation in the world, no American child should go hungry, and no parent should have to make the difficult decision between paying rent or paying for groceries. Let's work together to stand up for our children by supporting summer food nutrition programs.

THE GREAT WAR—100 YEARS AGO

(Mr. POE of Texas asked and was given permission to address the House for 1 minute.)

Mr. POE of Texas. Mr. Speaker, it was called the ''war to end all wars.'' It began on July 28, 1914, 100 years ago today. It concluded in 1918, only after millions had died. It was just the first of many wars in the last century.

It was at a stalemate in the bloody, deadly trenches of Europe in 1917 when tenacious American Doughboys entered the battle. It was World War I.

Over 100,000 young American warriors never returned. One was President Teddy Roosevelt's son, Quentin. Thousands more died from the Spanish flu that they contracted.

The last American survivor was Frank Buckles, Jr., who lived to be 110. I got to know Buckles, as did many other Members of Congress. His dying wish was that a memorial be erected on the Mall to honor all the Americans who fought in the Great War: those that returned, those that returned with the wounds of war, and those that did not return.

It is unfortunate and tragic that a memorial has not been erected because, as it has been said, the worst casualty of war is to be forgotten.

And that is just the way it is.

THE ENGLISH LEARNING AND INNOVATION ACT

(Mr. GARCIA asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GARCIA. Mr. Speaker, I rise in support of improving educational opportunities for a group of students that our education system has left behind, English language learners, or ELLs. Even though English language learners are the fastest-growing student population in the United States, they score far behind their English-speaking peers and, more likely than others, lack the resources needed to succeed in our schools.

That is why I am introducing the English Learning and Innovation Act, which will create two grant programs to enable schools to better provide a high-quality education to students working to learn English.

As someone who grew up in Miami, I recognize the value of students who don't yet speak English who are building a vibrant community together.

This bill has the support of a number of organizations, including the NEA, NCLR, and the National Association for Bilingual Education. I urge my colleagues to join me in taking action to strengthen English language education.

ISRAEL

(Mr. DESANTIS asked and was given permission to address the House for 1 minute.)

Mr. DESANTIS. Mr. Speaker, I rise in defense of Israel and their defensive war against Hamas. Hamas is a terrorist organization. It is an arm of the Muslim Brotherhood. Its reason for existence is to destroy Israel. And Hamas desires a second Holocaust, although they won't acknowledge that the first happened. Hamas uses human shields to protect their weapons of terror.

They are not protesting occupation. Israel pulled completely out of the Gaza Strip, including uprooting more than 10,000 of their own citizens from their homes nearly 10 years ago.

Hamas has used the last decade to build a complex terrorist infrastructure, including tunnels designed solely to kill as many Israelis as possible. The U.S. should not be pressuring Israel to give Hamas breathing room. The complete defeat of Hamas and the dismantling of their terrorist infrastructure will be good for Israel's security and will be a decisive blow against international terrorism and the global jihad, which is good for our national security. We need to stand with Israel at this critical juncture.

RECOGNIZING MILITARY CHAPLAINS AND CAPTAIN MIKE CERULA

(Mr. THOMPSON of Pennsylvania asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. THOMPSON of Pennsylvania. Mr. Speaker, I rise today to recognize our Nation's military chaplains. It was 239 years ago this week, at the behest of George Washington, that the Army Chaplain Corps was created by the Continental Congress. These brave men and women, who serve in each branch of the military and are from all faiths and denominations, have served in every one of our Nation's wars.

Today I would like to acknowledge one of our Nation's military chaplains, Captain Mike Cerula, who is from Waterford, Erie County, Pennsylvania, and is currently serving with the 82nd Airborne at Fort Bragg.

Chaplain Cerula deployed to Iraq in 2011 and was previously acting brigade chaplain for the 411th Engineer Brigade. Military chaplains, like Chaplain Cerula, represent some of the best this country has to offer.

A favorite Bible verse of Chaplain Cerula's is from James 5:16, and I quote: ''The effectual fervent prayer of a righteous man availeth much.''

We thank you, Chaplain Cerula, along with all of our military chaplains, for your service, your sacrifice, and most importantly, your work to support the spiritual strength and wellness of those who serve in uniform.

CONGRATULATING COACH RON REAM

(Mr. ROONEY asked and was given permission to address the House for 1 minute.)

Mr. ROONEY. Mr. Speaker, I rise today to honor my old high school football coach, Ron Ream, who was recently voted into the Florida Athletic Coaches Association Hall of Fame. I can't think of a man more deserving of this recognition.

Coach Ream is going on his 38th season as the head coach of the Benjamin Buccaneers, my alma mater, making him the longest-tenured coach in Palm Beach County.

The true measure of his legacy though is not in the record books, in championship games, or in winning seasons, but in the values and lessons he imparts on the young men that go through his football program.

With his guidance, I was able to go on to play tight end at Syracuse University and then at Washington and Jefferson College.

Coach Ream not only helped me succeed on the field, but he showed me the traits of a great leader and the value of hard work, which helped me succeed professionally well into my adulthood. I know that I wouldn't be where I am today if it wasn't for Coach Ream.

Congratulations, Coach. And go Bucs.

CONGRESSIONAL BLACK CAUCUS

The SPEAKER pro tempore (Mr. WILLIAMS). Under the Speaker's announced policy of January 3, 2013, the gentleman from New York (Mr. JEFFRIES)

is recognized for 60 minutes as the designee of the minority leader.

GENERAL LEAVE

Mr. JEFFRIES. Mr. Speaker, I ask unanimous consent that all Members be given 5 days to revise and extend their remarks.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

Mr. JEFFRIES. Mr. Speaker, it is my honor and my privilege to coanchor today's CBC Special Order, along with my good friend and distinguished colleague from the Silver State, Representative STEVEN HORSFORD.

Every Monday when Congress is in session, we have an opportunity to speak directly to the American people for 60 minutes, the so-called CBC Hour of Power, where we get a chance to discuss an issue of relevance to this great country.

Today, the members of the Congressional Black Caucus are here to talk about halting the GOP march toward impeachment. We are going to address the troubling fact that the GOP appears to want to move forward this week with a lawsuit challenging the President's authority.

Now, I think most legal scholars will come to the conclusion that the House GOP lawsuit is baseless, it is frivolous, it is without merit. But the American people should pay attention to what is going to take place this week because the lawsuit is part of a continuing effort to delegitimize the President of the United States of America.

Now, I recognize, unfortunately, that there are some folks in this Chamber who believe that the President exceeded his authority on January 20, 2009, when he took the oath of office. And they have continued to accuse him of Presidential lawlessness ever since.

So during this Special Order hour, we are going to discuss the alleged lawlessness that has taken place, and I think we will be able to dismiss these allegations as nothing more than political broadsides leveled against a President who was elected by the people of this great country and reelected by the people of this great country.

And then we are also going to deal with the fact that there are so many other things that we, as a Congress, could be doing other than wasting taxpayer money related to a lawsuit that is sure to be thrown out of court. It is going to be thrown out because there is no congressional standing to sue the President. The Supreme Court has said this over and over again. There must be a particularized injury in order for one to get standing in Federal court, and Members of Congress lack it. That is what the Supreme Court has concluded.

There is also the issue of the political question doctrine: disputes between the two branches of government, the executive branch and the congressional legislative branch, are not to be resolved by the article III courts. They are to be resolved by the normal governmental processes put in place by our Constitution.

We are joined today by the distinguished chair of the Congressional Black Caucus, who has been a tremendous leader of our CBC over the 113th Congress. It is now my honor to yield to the distinguished gentlewoman from Ohio, Congresswoman MARCIA FUDGE.

Ms. FUDGE. Thank you very, very much for yielding. I, again, want to thank my colleagues Congressmen JEFFRIES and HORSFORD for, again, leading the Congressional Black Caucus Special Order hour on an issue that should never have made it to this House floor. We shouldn't even have to consider halting the Republican leadership's irreverent and irresponsible march toward impeachment of the President of the United States.

Mr. Speaker, since his election, the Republican leadership has shown nothing short of outright disrespect and disdain for the current President of the United States. In an effort to prevent the President from getting anything done during his first term or his second, the Republican leadership has completely ignored the democratic process. They prefer the obstruction and destruction of our Federal Government over working towards what is best for the American people.

Now Speaker BOEHNER and the Republicans are posed to waste millions of taxpayer dollars on a lawsuit arguing against something they asked him to do. They are claiming to take issue with the President because he instructed the delay of the Affordable Care Act's employer mandate.

If I remember correctly, Mr. Speaker, House Republicans wanted to do away with that provision, not to mention the entire ACA. The President delayed the employer mandate from taking effect for 1 year in an effort to hear and act on Republicans' more reasonable concerns. And now they are trying to punish him for it. This makes absolutely no sense. Instead of focusing on the many issues facing our Nation, the Republican leadership is choosing to pull another political stunt that wastes our time and our tax dollars.

Through consistent obstruction, dysfunction, and a steadfast unwillingness to serve the American people, the Republican leadership continues to abuse their power while they demean and disgrace this House. When will they recognize that by attempting to damage the President's leadership and his legacy, they are only hurting the people that we are all sworn to serve?

□ 1930

When will they wake up and realize that this job is not about political gamesmanship? It is about doing the work we are asked to do by our constituents, and that work is to propose and pass legislation that creates opportunity for the American people, not to distract them with the silliness that Republicans have stirred up since day one of this administration.

Their inaction and petty behavior has caused this to be the least productive Congress in the history of this Nation. The President should sue the Congress for not doing their job. Mr. Speaker, the American people deserve so much more than Republican leadership has given them. It is time to stop these ridiculous games and get to work on the real and serious business of this House.

Mr. JEFFRIES. I thank the distinguished chairlady of the CBC. The people of America deserve a Congress that does the business of the people and that deals with real issues that impact working families, the middle class, senior citizens, the poor, the sick, and the afflicted.

Instead, we get an agenda from the majority in the House of Representatives that is all about delay, destruction, and delegitimization of the President of the United States of America. This is a frivolous lawsuit that lacks any basis in law or in fact, and we need to get beyond the political gamesmanship and get back to doing the business of the people.

I am pleased that we have been joined by the gentlewoman from the Badger State, Representative GWEN MOORE, a distinguished member of the Budget Committee. I am honored to serve with her, a champion for working families, the poor, and the middle class.

Ms. MOORE. Thank you so much, Representative JEFFRIES. I was wondering if I could ask you some questions. You certainly are an officer of the court, you are an attorney, and so I wanted to ask you to expand a little bit on your contention that constitutional experts and legal scholars have commented that the lawsuit will fail for the lack of standing, that there is no injury here that anyone could point to, and to explain that to me a little bit more.

Mr. JEFFRIES. Chief Justice Rehnquist, in an opinion in 1997, Raines v. Byrd, made the point that individual Members of Congress do not have standing to bring lawsuits in court if they cannot point to a particularized or personal injury, which the GOP in this case will not be able to do because the injury that is being claimed relates to policy disputes, such as the ACA and the employer mandate, such as DACA, and such as the welfare work requirements. These are broad policy disputes, not particularized injuries.

The Court went on to point out that, if one of the Members of Congress were to retire tomorrow, he would no longer have a general claim. The claim would be possessed by his successor instead.

The claimed injury—referring to policy disputes—attaches to the Member's seat, a seat which the Member holds as trustee for his constituents, not as a prerogative of personal power. In other words, there is no standing for Members of Congress to bring a lawsuit against the President in the context of a policy dispute.

Ms. MOORE. Well, thank you so much for that clarification, Mr. JEFFRIES. So this doesn't pass a constitutional test, it doesn't pass a legal test, and it doesn't even pass the laugh test because I can tell you, for folks who have pursued repeal of the Affordable Care Act for over 50 times, not wanting to implement the employer mandate, to turn around and say, we have been injured because the President delayed it, does not pass the laugh test.

I tell you I have been elected to and served as a public servant since 1988, and I can tell you that Republicans have continuously chastised Democrats for their frivolous lawsuits.

Republicans have continuously claimed that people who have been injured by products—consumer products—should have a cap on their claims, and yet, this frivolous lawsuit will cost hundreds of millions of dollars. So, while it may not have any standing, Mr. JEFFRIES, it certainly will cost hundreds of millions of dollars before that ruling will be made.

As a matter of fact, in this do-nothing Congress, we have, in fact, wasted money. It is not only that we wasted time; we are wasting money. Some examples of what we have done so far: we have spent $79 million so far in over 50 attacks on the Affordable Care Act; we have even shut the government down for 24 billion—that is billion with a B—dollars. So how much is it going to cost us, once again, to promote this frivolous lawsuit?

We are in session—this is the last week of Congress—and are we going to talk about helping young people with unaffordable interest rates on student loans? No. Are we going to talk about extending and reauthorizing the Export-Import Bank to help manufacturers that are in my district? No.

Are we going to talk about providing unemployment compensation for people who are suffering with no income through no fault of their own because of the economy? No. Are we going to talk about raising the minimum wage? Are we going to talk about reauthorizing terrorism risk insurance? No.

Are we going to talk about whether or not we will provide moneys to humanely and adequately discuss the crises on the borders of our country, the influx of children escaping violence in their home country? No. No. No. We are going to sue the President of the United States. This does not pass the legal test, the constitutional test, and it does not pass the laugh test.

Mr. JEFFRIES. I thank the distinguished gentlewoman from Wisconsin for her very eloquent and sharp observations with respect to the lack of merit to the GOP lawsuit that they are going to proceed with this week.

We now have also been joined by the distinguished gentlewoman from California, Representative BARBARA LEE, another distinguished member of the Budget Committee, someone who is a voice for the voiceless, a champion for the poor, and a fighter for the district that she represents in Congress.

Ms. LEE of California. Let me thank you, Congressman JEFFRIES, first of all, for your kind words and also for your continued leadership on this issue and so many other issues and especially in helping us, once again, beat the drum on behalf of the American people to make sure that people know exactly what the Republican Tea Party members are engaged in, in this body, so thank you very much to you and Congressman HORSFORD for this.

Also, I just want to say to Congresswoman FUDGE, our chair of the Congressional Black Caucus, I want to thank her for her diligent work as chair and especially in her continuing efforts to fight against the extreme ideology that deters us from the real work our constituents sent us here to do.

Once again, we are calling now tonight on Congress to get back to work putting Americans back to work. Rather than working together to create jobs, my Republican colleagues are pursuing a completely baseless lawsuit against President Obama at the expense of the American taxpayer. Mind you, never before has a sitting President been sued—not once.

This lawsuit is nothing more than a political ploy designed for those who really want impeachment without cost. These Tea Party Republicans are driving the Republican Party to become so extreme and too conservative for the American people.

To provide just one example, instead of voting on bipartisan immigration reform that would keep our families together, grow our economy, and enhance national security, the House has voted more than 50 times to repeal real health care reform that provides 54 million people with vital preventive health services like cancer screening.

We were sent here to Washington to help enhance the quality of life for the American people, not to engage in these lawsuits against the President for no reason.

We were sent to Washington to make America a better place, to create jobs, to grow the economy, to lift up the most vulnerable, and to build ladders of opportunity for the 46.5 million Americans, including 6 million children living in poverty today.

This lawsuit is another example of the unfounded, wasteful, and really unconscionable attacks on our President, who was twice elected by the American people. It does nothing to help the American people.

I tell you it is really troubling to see the extremists in the Republican Party marching down a path that is not based on fact, but, again, it is really nothing more than a political sideshow aimed at building its base, but it is a serious effort, I must say.

Remember when President Obama, Congressman JEFFRIES, when he was first elected, Senator MITCH MCCONNELL said that their goal was to make President Obama a one-term President?

Well, they didn't accomplish their goal, so now, they are trying something else, and really, it is quite shameful, and the fact is that it is being funded with taxpayer dollars. This is nothing short than a violation of our constituents' trust. It is exactly like $2.3 million spent to preserve discrimination during the DOMA case.

There is no constitutional or judicial precedent to adjudicate political disputes in the courts. We are ready, willing, and able to have a serious conversation about creating opportunities in the middle class for people who are fighting and aspiring to become part of the middle class, who are living on the edges and on the margins.

We are ready, we have been fighting for this, and we want to have some consensus with the Republicans, so we can move forward on this, rather than filing lawsuits to detract from the real work that the Republicans, once again, refuse to do.

Every day, I hear from my constituents about their real struggles. Too many of our constituents are looking for work. Too many are working full time, and they are still living on the edge in poverty. One in five American children still lives in poverty.

Too many people in my district and throughout the country face real challenges, challenges that Republicans continue to ignore while pursuing an ideologically motivated lawsuit.

It is about time we put these political ploys aside and get back to work. We need to stop this politically motivated, extreme, and disturbing march toward impeachment because that is where this is going, and hopefully, the public understands that, and we need to end the lawsuit. Instead, we need to pass comprehensive immigration reform and fix the broken system that is tearing families apart.

Also, we have got to pass the Voting Rights Act and protect the voting rights of all Americans. We need to put workers back to work and raise the minimum wage. We need to stop wasting taxpayer dollars on lawsuits and roll up our sleeves and get back to work. I believe that the American people are going to see right through this.

So I want to thank the Congressional Black Caucus, Congressmen HORSFORD and JEFFRIES for giving us the chance to really pull back the veil on what is really taking place with regard to this lawsuit.

Mr. JEFFRIES. I thank the distinguished gentlewoman from California. In the 113th Congress, we have had sequestration, $85 billion in randomly spread-out cuts across our budget impacting the American economy. We have had a government shutdown that was unnecessary, unreasonable, and reckless; it cost us $24 billion in lost economic productivity.

We have had a flirtation with the debt ceiling threatening the full faith and credit of the United States of

America. Now, we have got a frivolous lawsuit against the President of the United States, and it leads me to ask the question: Is there such a thing as a four-ring circus?

Let me now yield to the gentlewoman from Illinois, Representative ROBIN KELLY, my good friend and colleague from the freshman class, and a distinguished champion for her district.

Ms. KELLY of Illinois. Thank you, Congressman JEFFRIES, and I want to thank Congressman HORSFORD and the Congressional Black Caucus for this very, very important special hour.

It is absolutely ridiculous what Speaker BOEHNER and his party want to do. It is a waste of time, as many of us have said, a waste of time, a waste of taxpayers' money, and it looks like nothing but a sideshow.

There are so many things we should be working on, things like immigration reform, pay equality, helping to stop the gun violence in our urban areas, and unemployment insurance that people so desperately need.

Again, Speaker BOEHNER has shown that he does not pay attention to what the public wants and cares about. Ninety percent of the public thinks we should expand background checks.

Seventy-four percent of NRA members think we should expand background checks, but he is not bringing that bill to the floor, but he is going to bring this bill to the floor when there is not even the public appetite for a lawsuit.

□ 1945

Many Americans, quite frankly, don't feel the President has abused his power. Because we don't listen and we do things like this, it is no wonder only 8 percent of the public thinks that Congress is doing a good job.

From day one, there has been a great disrespect for this President like no other in history. Some of my colleagues are shocked that he won the first time and can't seem to get over that he won again the second time. Well, we need to get over it, and you need to get over it because there are so many issues we can be working on. We should be trying to improve the quality of life of our constituents, our country, and, frankly, of the world.

As a freshman, this is not what I came to Congress to vote on. I came to Congress, like I assume most of us did, to make a difference, to have a public agenda and not a personal agenda and not an attacking agenda, and an agenda where, even though we disagree, we still show respect for each other.

So I again applaud you, Congressman, for holding this Special Order. This is extremely important. I hope the public is truly paying attention because this is shameful and, as I said in the beginning, ridiculous.

Mr. JEFFRIES. Mr. Speaker, I thank the gentlewoman from Illinois.

Let me now yield to the gentleman from New Jersey (Mr. PAYNE). Although he does not have on one of his signature ties, he is the informal chair of the ''bowtie caucus'' and someone who has been a champion for the district he represents in New Jersey.

Mr. PAYNE. Mr. Speaker, to my colleagues, the gentleman from Nevada and the gentleman from New York who have done an outstanding job of managing these Special Orders, I would just like to thank them for the opportunity to come out and speak on this matter, this issue, this frivolous issue of where we find our Nation, a lack of respect for a man who won an election, as we have had elections throughout this Nation's history.

But we come to a point in history now where there is something wrong with this President. Something about him is illegitimate. Something about him just isn't right. Something about him has Members of this institution disrespecting him on a daily basis. He is the President of the United States of America, the greatest Nation in the world, the most powerful man in the world, and deserves the respect that we have given every other President that has held that office.

While millions of Americans are still out of work, my Republican colleagues are wasting time and money again. This time it is on a partisan lawsuit waged against the President and talk of impeachment. These actions are frivolous and shameful, and they pander to the most extreme wing of the Republican Party.

Every serious constitutional scholar sees the Republican lawsuit against the President for what it is: a desperate political stunt. And they have tried many times, as it was stated by colleagues prior to me, 50 times trying to repeal the law of the Nation, the Affordable Care Act—50 times. They will not stop at anything in order to have this President defeated and look as if he is a failure.

When has that been our history in this Nation? When has it come to that? This great democracy that we have has been a battle over ideas and a coming together in a bipartisan manner. You are over here, I am over there, but we come together on common issues to come to what is in the best interest of all Americans.

Why should a President have to have Members of this body or the Senate stand in front of him and say that ''I can't even stand to look at you.''

Where? Where in this Nation, the home of the free, the land of the brave, we hold these truths to be self-evident. Are they self-evident these days? Are they? The humanitarian issue we have at our border, I remember somewhere it saying, ''give us your tired, your poor, your huddled masses.'' Now we say, ''Stop the bus at the border and go back.''

Where is this Nation going? It is a sad time in this country that we find ourselves at this point: Okay. This didn't work. We couldn't get him on that. His birth certificate, he showed up with that. Okay. Scratch that. I know what. Let's repeal the Affordable Care Act. Try 50 times. Okay. That didn't work. Hey, I have a new one. Let's just sue him.

Ladies and gentlemen, Mr. Speaker, just because Republicans disagree with the President's policies or political persuasion doesn't give them the right to sue him. Even the Nation's most conservative Supreme Court Justices have said that the Congress cannot sue the President in these circumstances. Meanwhile, millions of Americans are out of work, including nearly 300,000 people in my home State of New Jersey. Instead of working together to create jobs, New Jerseyans are learning that the Republicans are at it again, wasting taxpayer time and money on frivolous lawsuits.

My constituents are outraged. But just because Republicans won't do their job, the President and Democrats in Congress will. I can remember prior to coming to Congress President Obama extending his hand on numerous occasions to work with the Congress, to work with the other side of the aisle, and he was just rebuffed.

Now that he says he will use executive privilege, executive order, now there is a problem once again. If you can't work with them, then he is going to have to go it alone and do what he has to do to make sure that this Nation has the things, the laws, to be, to continue to be the great Nation that it is. Democrats have a real jobs plan, the Make It In America plan, to put America back to work, to bring jobs back to our shores, to build roads and bridges, to create a better education system, and to lead the world in innovation.

My bill, the Green Jobs Act, is part of that plan and will expand access to capital for small businesses to create good-paying jobs in low-income communities.

We are ready to work. We are ready to work with this President. I think it is high time that our colleagues on the other side of the aisle say: Okay. We tried everything. There is one more thing to try—working with this President to move this Nation forward.

Mr. JEFFRIES. Mr. Speaker, I thank the gentleman from New Jersey (Mr. PAYNE) for those very poignant observations.

I think, as you have pointed out, we are in a divided government context, and we understand there are going to be policy disagreements, but the objective should be to work toward finding common ground to improve the lives of those we were sent here to Washington to represent. Instead, we are in the midst of a campaign to continue to try to delegitimize the President.

It is over. The battle has been lost. The President was elected in 2008. He was reelected in 2012. It is time to put aside the political gamesmanship and figure out where we might be able to find common ground to advance an agenda that makes sense for the American people.

We said earlier that this lawsuit was a frivolous one, and I quoted Chief Justice Rehnquist, a leading conservative former Supreme Court Justice, as it relates to his position with respect to congressional standing. I now want to quote another Justice of the Supreme Court who said in an opinion he wrote just last year, United States v. Windsor:

> Our Constitution rejects a system in which Congress and the Executive can pop immediately into court whenever the President implements a law in a manner that is not to Congress' liking.

That was an opinion, and that wasn't written by Ruth Bader Ginsburg. That wasn't an opinion written by Justice Sotomayor, although I have great respect for those two Justices from the great State of New York. Those words were written by Anton Scalia, one of the most conservative Justices in the history of the Supreme Court. You can't just pop into court because you have a policy disagreement with the President.

And so I think we have dealt with the issue of the frivolous nature of this lawsuit, the fact that we are wasting the time and the treasure of the American people on a political joyride that will ultimately crash and burn in an article III court. In the meantime, we are neglecting our constitutional responsibilities here in the House of Representatives to actually deal with issues that impact the American people. And to touch upon what some of those issues could be, let me now yield to the coanchor of this CBC Special Order, the gentleman from Nevada (Mr. HORSFORD).

Mr. HORSFORD. Let me thank my good friend and the coanchor for this hour, the gentleman from the Empire State, Mr. JEFFRIES.

Every time we have the opportunity to come to this floor, it is a humbling experience. And to all of my colleagues, led by our chair, the Honorable Representative from the State of Ohio, the chair of the Congressional Black Caucus, MARCIA FUDGE, thank you for your leadership and for demanding that we have an opportunity to be heard in this very important Special Order hour. I want to thank all of my colleagues who have come here tonight.

Tonight, at some level, my heart is heavy because, as many of my colleagues have expressed tonight, we came to Congress to get things done on behalf of the American people and the constituents that we serve.

We understand, as Congressman JEFFRIES just indicated, that this is a divided government. As the minority, we have to work within this honorable institution to try to advance the issues that we feel are important, but what we do not believe is that the majority should be able to unilaterally obstruct a governmental process that is the foundation of our democracy as a nation.

□ 2000

So tonight, this is a very important discussion because later this week, if the Speaker and the majority House Republicans have their way, they will do for the first time in history something that has never been done, which is to sue the American President because they don't agree with him.

This lawsuit, the Speaker Boehner-House Republican lawsuit against the President, has been characterized by many. USA Today's editorial board said ''it was a political sideshow.'' At a time when the American people are urging us to act on a number of important and serious and time-pressing matters, you, Mr. Speaker, and House Republicans are sacrificing precious taxpayer resources and time when we could be tackling a number of important issues that the American public want us to tackle.

Now, I just held a telephone town hall last week in my district. I had over 4,000 people on this telephone town hall. My district covers 52,000 square miles. It is a diverse district. Not everybody agrees with the President or his positions. But not one person on that call asked me to support you, Mr. Speaker, or the House Republicans in suing the President. In fact, many of them said, how is it that you have the authority to unilaterally act to obstruct this process and to deny the important issues that so many of us would like to have come before this body for an up or down vote? We understand that we are in the minority and we may not win, but in this democracy, the minority deserves to be heard.

Now, unfortunately, this body is about to take a 5-week recess. My constituents don't really understand how, after we have really accomplished very little, we can now take a ''recess,'' and the thing that you want to act on this week is to sue the President. Well, that shouldn't be. We shouldn't be going on recess, we shouldn't be wasting taxpayer money or time on frivolous, baseless lawsuits, because we have plenty of work to do.

So my question, Mr. Speaker, is: Whose side are you on? Are you on the side of the majority of Americans who want us to jump-start the middle class, to maybe pass the Make It in America job creation agenda, or the infrastructure bills that are so desperately needed? Whose side are you on, Mr. Speaker, when Americans have demanded a raise so that they can have their wages keep up with the cost of living? Whose side are you on, Mr. Speaker, when you have already denied the extension of unemployment insurance benefits for over 3.5 million Americans since last December—33,800 Nevadans who are struggling, at no fault of their own, who need a bridge just to stay afloat? Whose side are you on? Are we going to honor our veterans and fix a broken VA system? Are we going to pass the reauthorization of the Voting Rights Act to ensure that our most sacred Democrat right, our right to vote, is protected?

I know you want to recess so you can run home and have elections, but people need to vote, and we need to make sure that that right to vote is protected. So we need to pass and reauthorize the Voting Rights Act. Why can't we bring that bill up this week, Mr. Speaker?

Mr. Speaker, whose side are you on when, overwhelmingly, the American public has asked us to pass comprehensive immigration reform, to secure our border, to actually put the necessary resources on the border, and to make sure that no other children are torn away from their mothers and their fathers?

So while House Democrats are working on these important issues, and many, many others, the American people just simply don't understand how it is that this week, of all weeks, the majority would decide in this House to spend precious time and resources suing the American President for the first time in history.

Instead of doing any of this, House Republicans are focused once again on partisan stunts that contribute nothing to the well-being of our Nation. Voting to sue the President is an insult to the hardworking American families who need this Congress to act, act on something, on anything, and to let us have an up-or-down vote.

Now, this lawsuit undermines what little remaining respect this House has left. So as new Members, we are pleading: give us our Congress back, let us work with our colleagues who want to work with us. There are Republicans who support some of these bills, but the leadership, the Speaker, and the House Republican leadership, won't let them. That is the truth.

Now, my colleague has talked about the fact that there is very little constitutional basis for this lawsuit. Let me just add a couple to those remarks. Constitutional law experts have weighed in. Laurence Tribe of Harvard University Law School described the lawsuit as a ''wholly meritless attempt to invoke the jurisdiction of the Federal judiciary.''

Charles Tiefer of the University of Baltimore Law School called the lawsuit an ''embarrassing loser.''

The whole process leading up to this lawsuit has been tainted by partisan tactics as well. Just last week, Ranking Member Representative LOUISE SLAUGHTER and other members of the Rules Committee introduced 11 amendments during markup of this baseless, unnecessary lawsuit against the President, and their only request was to allow more transparency and accountability if this were to go forward on how much money is being spent—taxpayer money, by the way—in funding this lawsuit.

So whose side are you on, Mr. Speaker, when you talk about fiscal responsibility and you won't even disclose or allow the rules of this vote to have a level of transparency or accountability?

Let me just highlight a few of the amendments that these Democrats proposed:

Requiring the House general counsel to disclose how much has been spent on the lawsuit each week;

Prohibiting the hiring of any law firms or consultants who lobby Congress, because if they lobby Congress for a living, Congress shouldn't also be paying them on the side;

Prohibiting the hiring of any law firm or consultants who lobby on the Affordable Care Act implementation, or who have any financial stake in implementation of the Affordable Care Act;

Requiring disclosure of all contracts with lawyers and consultants 10 days before they are approved, requiring disclosure of where taxpayer money paying for this frivolous lawsuit is coming from, and which programs and offices' budgets are being reduced to pay for it.

These were the commonsense amendments that House Democrats on the Rules Committee proposed, and on a party line vote 7–4, the House majority, the Republicans, denied these commonsense transparency and accountability measures to be included.

So what is the rush? It shows that the Rules Committee Republicans are not serious. They are not serious about making this a transparent process because they know it is nothing more than a waste of time and money. This is a stunt, but it is a stunt that has a price, and the American public deserves to know just how much this is going to cost.

Mr. JEFFRIES. I thank the distinguished gentleman for his observations and for pointing out the many issues that we in the House of Representatives could be addressing this week to deal with quality of life concerns of the American people, but instead we have been forced to come to the floor of the House of Representatives this evening to talk about this frivolous lawsuit that, if the majority gets its way, will be authorized later on this week.

I also want to point out that there is this troubling undercurrent that has also taken shape in the House of Representatives and amongst the conservative entertainment complex related to the allegedly unlawful actions of the President in what many of us view as a ''march toward impeachment.''

Now, some are going to say: Well, this is a Democratic conspiracy to rile up certain parts of the country, that is why we are raising the impeachment question. No, let's just go to the Record.

The distinguished gentleman from the 17th Congressional District in Texas at a town hall meeting in September of 2013:

> I look at the President, I think he's violated the Constitution, I think he's violated the law. I think he's abused his power, but at the end of the day you have to say if the House decides to impeach him, if the House had an impeachment vote, it would probably impeach the President.

Those are not my words. Those are the words of the gentleman from the 17th Congressional District of this House.

The distinguished gentleman from the Third Congressional District in Utah:

> This is an administration embroiled in a scandal that they created.

I am not clear what the scandal is that is being referenced.

> It's a coverup. I'm not saying impeachment is the end game, but it's a possibility, especially if they keep doing little to help us learn more.

I can go on and on, but you have got the distinguished gentleman from Iowa:

''From my standpoint, if the President''—referencing executive actions—''we need to bring impeachment hearings immediately before the House of Representatives.''

These aren't our words. These are the words of people elected to the 113th Congress.

So that is why we are here to have a conversation with the American people. Do you think this is the issue that we should be debating and discussing as we are still trying to revive large segments of our economy, still struggling to recover from the aftermath of the Great Recession?

Now, this last statement from a member of the impeachment caucus here in the House of Representatives, the Congressman from Iowa, he referenced ''executive actions.''

Let's have a discussion about executive actions. This chart illustrates that President Obama actually has been a President in modern history who has been conservative in his approach with respect to executive actions. Upon entering his sixth year in office, President Obama issued 167 executive orders. As the chart illustrates, at this very same point, George W. Bush had issued 198 executive orders.

Where was the outrage when George Bush was engaging in his orgy of executive orders? Where was the outrage? Where was the outrage when President Ronald Reagan issued 381 executive orders, a pace that there is no way President Obama can match? It is just not clear to me where this is all coming from.

Let me now yield to the distinguished gentleman from Nevada and/or the distinguished gentleman from New Jersey for any parting observations.

Mr. HORSFORD. May I inquire to the Speaker how much time we have left?

The SPEAKER pro tempore. The gentleman from New York has 8 minutes remaining.

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Mr. HORSFORD. To the gentleman from New York, as you indicated, this frivolous lawsuit really should not be entirely surprising, and we should not underestimate the lengths that the House Republicans are willing to take against this President.

This week, it is a vote to sue. After the recess that we shouldn't be taking, maybe it is impeachment proceedings, so this is a very serious issue and one that I wish every Member of this body will take seriously because what the Speaker and the House Republicans are asking us to do is a direct affront to our constituents who elected us to do a job.

Republicans can disagree with the President. That is not shocking, nor is it inappropriate. There are plenty of differences that divide many of us here in Washington—many of them, needlessly so—but Republican opposition during this Presidency has hit historic levels.

Many of my colleagues this evening have talked about the obstruction that has occurred from the very day this President was being sworn in by those in the majority in this body who have attempted to block him.

I believe in an America that still can do good things and big things. I believe in an America that honors its institutions and respects them. I believe in the institutions of these offices, even when I may not agree with the person who holds that position, but what I cannot do is stand by as a Member of Congress, someone who is here to serve the 700,000 people from my district who elected me, and to allow the Speaker and House Republicans to tear down this institution. It is too honorable.

The work we are supposed to be doing is too great. It is significant to the lives of the people who are counting on us to do something that is important to their lives.

So, again, I ask, Mr. Speaker: Whose side are you on? Because there is nothing in this lawsuit that is going to create a job, educate a child, help a small business owner, address the issues of health care in this country, fix what is broken with immigration; there is nothing this week that you or the House Republicans are doing with this baseless lawsuit that is going to solve a problem.

In fact, it is going to create new problems—constitutional problems—and it is going to create a debt that this institution and future generations will have to cover.

So we are here, raising our voices against what we believe to be an affront to the integrity of this body as a whole and to bring a focus back to the issues the American people so desperately want this Congress to work on.

So we are here tonight. We will be here working and willing to work. We are willing to cancel our recess to stay here and do the American public's business because that is what they expect us to do.

Mr. JEFFRIES. I thank the distinguished gentleman for those observations.

Under the House majority, the agenda has constituted the following: delay, destroy, defund, and delegitimize.

We just want to tackle issues relevant to the American people. Let's tackle the fact that America needs a raise. Let's tackle equal pay for equal

work. Let's tackle infrastructure funding. Let's tackle our broken immigration system. Let's tackle the fact that we have got a gun violence problem in America.

Let's address the fact that the Supreme Court invalidated portions of section 5 of the historic Voting Rights Act. Let's stop the political gamesmanship.

In the remaining time that we have, let me yield to a championed distinguished member of the Homeland Security Committee, as well as the Judiciary Committee, the distinguished gentlewoman from Texas, Representative SHEILA JACKSON LEE.

Ms. JACKSON LEE. I want to thank the gentleman from New York.

I just want to take a moment to compliment both Mr. HORSFORD and Mr. JEFFRIES for this Special Order, among others. I could not imagine, as we end this session, to have a more important statement to the American people. We want to work, and in a few days, we will be voting on an action to sue the President of the United States.

Let me refer you to Justice Antonin Scalia, who has said in United States v. Windsor:

> Our Constitution rejects a system in which Congress and the executive can pop immediately into court whenever the President implements a law in a manner that is not to Congress' liking.

Former Chief Justice William Rehnquist wrote that while some European countries allow one branch of government to sue another, that is obviously not the regime that our Constitution establishes.

Our Constitution contemplates a more restricted role for article III courts. In fact, our Constitution clearly states the separation of the three branches of the government: the judiciary, the legislature, and, of course, the executive branch of government. That is the way it is supposed to be structured.

Now, we come and find ourselves with the legislature trying to step into leading the executive. The President has made it very clear. What has he done wrong?

We just heard the Speaker of the House tell the President with respect to the unaccompanied children: you can handle it. Well, frankly, I would make the argument that you are right. There are executive powers, and so the basis upon which this lawsuit is about to be projected, to me, evidences that we have lost our way.

As my colleagues have said as I was walking onto the floor, we still have the extension of unemployment insurance, the raising of minimum wage, the implementation of the Affordable Care Act, and the fixing of the veterans health system, which I hope that we will be able to do this week. If not, we should stay here and fix it for our veterans.

The Constitution is clear, and I want to say those branches of government again: the judiciary, legislative, and executive branches are separate. Scholars and conservative jurists have indicated that there is no reason for us to jump into court on the responsibilities of each particular branch.

Mr. Speaker, I would make the argument that this week is going to be 3 days of wasted time, and I know that there are people who disagree with the Affordable Care Act, immigration reform, the unaccompanied children—not one of those issues is attributable to the malfeasance of the President of the United States.

I don't know whether this is a substitute for impeachment, but I would make the argument that the President has committed nothing equal to impeachment, and this second class citizenship of a lawsuit certainly is inappropriate.

I believe the American people are much more interested in making sure that we follow what is good for them: creating jobs, protecting children, providing for education, and, Mr. Speaker, ending wars and fighting for what is right.

This is not the way the people of the United States value their principles to be misused. The executive, judiciary, and legislature are three separate branches. We are expected to do our separate duties.

I would, again, ask that we adhere to the Constitution by respecting these three separate branches of government. Let's do our job and provide for the American people.

Mr. Speaker, I rise tonight to talk briefly about the GOP's march towards impeachment. But first let me make a distinction between impeachment and a lawsuit initiated by the House, qua House of Representatives.

Article II, Section 4 of the United States Constitution states: The President, Vice President and all civil Officers of the United States, shall be removed from Office on Impeachment for and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors.

In any impeachment inquiry, the Members of this branch of government must confront some preliminary questions to determine whether an impeachment is appropriate in a given situation.

The first of these questions is whether the individual whose conduct is under scrutiny falls within the category of President, Vice President, or ''civil Officers of the United States'' such that he is vulnerable to impeachment.

One facet of this question in some cases is whether the resignation of the individual under scrutiny forecloses further impeachment proceedings against him.

A second preliminary question is whether the conduct involved constitutes ''treason, bribery, or other high crimes or misdemeanors.''

Now Mr. Speaker, whether we get to this point where we are actually considering impeachment of the President is a question that only the GOP Majority can answer. It appears that we are heading in that direction—even in the face of doubt from numerous experts as to whether the effort will succeed or not.

Indeed, it is a matter of historical fact that President Bush pushed this nation into a war that had little to do with apprehending the terrorists of September 11, 2001; and weapons of mass destruction, ''WMD's'' have yet to be found.

House Democrats refused to impeach President Bush.

Let me state that again: ''House Democrats refused to impeach President George W. Bush.''

Now I wish to turn to the resolution which the GOP Majority intends to put before this body in a last-ditch effort to stir their base before November.

Former Solicitor General Walter Dellinger testified before the Rules Committee two weeks ago and had this to say about the potential lawsuit:

> The House of Representatives lacks authority to bring such a suit. Because neither the Speaker nor even the House of Representatives has a legal concrete, particular and personal stake in the outcome of the proposed lawsuits, federal courts would have no authority to entertain such actions.
>
> Passage of the proposed resolution does nothing to change that. If federal judges were to undertake to entertain suits brought by the legislature against the President or other federal officers for failing to administer statutes as the House desires, the result would be an unprecedented aggrandizement of the political power of the judiciary.
>
> Such a radical liberalization of the role of unelected judges in matters previously entrusted to the elected branches of government should be rejected.

My colleagues on the other side argue that lawsuits by Congress to force the administration to enforce federal laws will prevent the president from exceeding his constitutional authority,

But the Supreme Court has constantly held that the exercise of executive discretion being taken by President Obama is within the president's powers under the Constitution.

The doctrine of standing is a mix of constitutional requirements, derived from the case or controversy provision in Article III, and prudential considerations, which are judicially created and can be modified by Congress.

The constitutionally based elements require that plaintiffs have suffered a personal injury-in-fact, which is actual, imminent, concrete and particularized. The injury must be fairly traceable to the defendant's conduct and likely to be redressed by the relief requested from the court.

CONSTITUTIONAL REQUIREMENTS

To satisfy the constitutional standing requirements in Article III, the Supreme Court imposes three requirements.

The plaintiff must first allege a personal injury-in-fact, which is actual or imminent, concrete, and particularized.

Second, the injury must be ''fairly traceable to the defendant's allegedly unlawful conduct, and'' third, the injury must be ''likely to be redressed by the requested relief.''

PRUDENTIAL REQUIREMENTS

In addition to the constitutional questions posed by the doctrine of standing, federal courts also follow a well-developed set of prudential principles that are relevant to a standing inquiry.

Similar to the constitutional requirements, these limits are ''founded in concern about the proper—and properly limited—role of the courts in a democratic society,'' but are judicially created.

Unlike their constitutional counterparts, prudential standing requirements ''can be modified or abrogated by Congress.''

If separation-of-powers principles require anything, it is that each branch must respect its constitutional role.

When a court issues a decision interpreting the Constitution or a federal law, the other branches must abide by the decision.

The Executive Branch's ability to fulfill its obligation to comply with judicial decisions should not be hampered by a civil action by Congress pursuant to this bill as my amendment to H.R. 4138, the ENFORCE ACT made clear.

And Mr. Speaker, a basic respect for separation of powers should inform any discussion of a lawsuit from both a Constitutional standpoint and a purely pragmatic one.

In our Constitutional Democracy, taking care that the laws are executed faithfully is a multifaceted notion.

And it is a well-settled principle that our Constitution imposes restrictions on Congress' legislative authority, so that the faithful execution of the Laws may present occasions where the President declines to enforce a congressionally enacted law, or delays such enforcement, because he must enforce the Constitution—which is the law of the land.

This resolution, like the bill we considered in the Judiciary Committee on which I serve and before this body, the H.R. 4138, The ENFORCE Act, has problems with standing, separation of powers, and allows broad powers of discretion incompatible with notions of due process.

The legislation would permit one House of Congress to file a lawsuit seeking declaratory and other relief to compel the President to faithfully execute the law.

These are critical problems. First, Congress is unlikely to be able to satisfy the requirements of Article III standing, which the Supreme Court has held that the party bringing suit have been personally injured by the challenged conduct.

In the wide array of circumstances incident and related to the Affordable Care Act in which the resolution would authorize a House of Congress to sue the president, that House would not have suffered any personal injury sufficient to satisfy Article III's standing requirement in the absence of a complete nullification of any legislator's votes.

Second, the resolution violates separation of powers principles by inappropriately having courts address political questions that are left to the other branches to decided.

And Mr. Speaker, I thought the Supreme Court had put this notion to rest as far back as Baker v. Carr, a case that hails from 1962. Baker stands for the proposition that courts are not equipped to adjudicate political questions—and that it is impossible to decide such questions without intruding on the ability of agencies to do their job.

Third, the resolution makes one House of Congress a general enforcement body able to direct the entire field of administrative action by bringing cases whenever such House deems a President's action to constitute a policy of non-enforcement.

This bill attempts to use the notion of separation of powers to justify an unprecedented effort to ensure that the laws are enforced by the president—and I say one of the least creative ideas I have seen in some time.

Mr. Speaker, I ask my colleagues to deliberate before we are at a bridge too far.

Mr. JEFFRIES. Mr. Speaker, I yield back the balance of my time.

WHERE WILL THIS PRESIDENT'S LEADERSHIP TAKE US?

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Arizona (Mr. FRANKS) is recognized for 60 minutes as the designee of the majority leader.

Mr. FRANKS of Arizona. Mr. Speaker, 30 years ago, Soviet Marshal Ogarkov announced that Korean Airlines Flight 7 had been ''terminated.'' The Soviets had shot down a civilian airliner, killing all 269 passengers aboard.

President Reagan immediately addressed the entire Nation about the tragedy and resolutely called for justice and for action. He then proceeded to accelerate work on America's missile defense system, worked with Congress on the Reagan defense buildup, building relationships with European allies, and enforced strong sanctions that ultimately bankrupted and brought down the once unshakable Soviet Union.

Last week, Mr. Speaker, another civilian airliner, Flight MH17, with 298 innocent people aboard, was shot down by Russian-backed separatists. On that same day, in which the conflict in Israel also escalated to new heights, The New York Times reported President Barack Obama's schedule as: ''a cheeseburger with fries at the Charcoal Pit in Delaware, a speech about infrastructure, and two splashy fundraisers in New York City.''

Mr. Speaker, where would America be today if we had elected Barack Obama in 1980? Where will this President's leadership take us tomorrow?

Mr. Speaker, I yield back the balance of my time.

COPTIC CHRISTIANS IN EGYPT

The SPEAKER pro tempore. Under the Speaker's announced policy of January 3, 2013, the gentleman from Michigan (Mr. BENTIVOLIO) is recognized for the balance of the time as the designee of the majority leader.

Mr. BENTIVOLIO. Mr. Speaker, there are not that many people in this country that are aware of the persecution that Christians are facing in the Middle East. Some people have a vague idea, but they can't identify the specific groups that are being targeted. Today, I want to talk about Coptic Christians in Egypt.

The Coptics are the native Christians of Egypt. They trace their origins nearly all the way to the beginning of Christianity. At one point, they were the largest religious group in Egypt, but now represent a minority. However, they are currently the largest religious minority in the region.

I have quite a few Coptic Christians in my district in Michigan, and I always hear the same thing: their families, friends, and fellow Christians are facing serious persecution and violence, and many have questioned whether or not it is worth staying in Egypt.

They are a group whose history, culture, and language is rooted in Egypt. Over the last couple of years, they have faced an increasingly violent environment. For example, on January 1, 2011, over 20 Coptic Christians were killed when a bomb went off in front of the Church of St. Mark in Alexandria. Such a devastating attack sent shock waves through the Coptic community. The bombing was officially declared the work of a suicide bomber.

After President Morsi was removed from power last year, many had held out hope that life for Coptic Christians under a new regime would bring change, stability, and security. Under President Morsi, they were not treated as equals, and the Muslim Brotherhood was certainly not a friend.

In 2013, there was a wave of violence and destruction following the ousting of President Morsi. Christian churches were attacked and burned. However, the reality for Coptics under their newest President isn't much different.

I think there is a very serious question that needs to be asked: What role should the U.S. play in protecting religious and ethnic minorities in countries to which the United States gives sufficient and significant foreign aid?

The United States gives, on average, more than $1.5 billion in aid to Egypt annually. The United States Commission on International Religious Freedom has recommended that Egypt be officially recognized as a Tier 1 Country of Particular Concern. However, the State Department has not made that distinction.

Last year, I introduced the Support Democracy in Egypt Act to suspend further delivery of F–16s and Abrams tanks to Egypt until further review, to ensure that they were promoting democracy and stability in the region. Even with a new government, after the coup that ousted President Morsi, there hasn't been enough progress in Egypt.

I don't think most Americans would be very appreciative to learn that their tax dollars are being sent to Egypt when that government continues to routinely persecute religious minorities, including Coptic Christians.

In the United States, the right to religious freedom is protected in our Constitution. It would seem to be in conflicts with our morals, values, and beliefs to be so supportive of regimes in Egypt that fail to protect the same rights for their citizens.

□ 2030

If we are helping to provide stability and security for the Egyptian state but not its most oppressed people, then, perhaps, we need to take a long look at our relationship with Egypt. Most Coptics want the same things as Americans: the ability to practice their faith

free from persecution, provide stable lives for their friends and families free from violence, be able to speak freely in peace. At one point, I believe that the United States had the will to stand up to tyrants, dictators, and oppressive regimes, but the stories I hear from constituents about what is happening in Egypt contradict that belief.

If we aren't pressing hard to encourage a stable society in Egypt, one that won't persecute religious and ethnic minorities, then Egypt, itself, will never really realize stability. Egypt will always be in flux, vulnerable to radical elements that would seek to undermine and destroy any progress that is made.

We should be worried greatly about the Coptics in Egypt. They shouldn't have to flee their homes and leave their country behind because of their faith. They shouldn't have to worry about car bombings, suicide bombers, shootings, abductions, or any other kind of violence for which they have been targeted.

We should support Egypt in its transition to a more democratic state but also keep in mind that religious persecution is still very real. As I said in a previous floor speech, if we want friends in the Middle East, then we have to encourage respect for religious freedom and diversity, not just build strong governments and militaries. If we do this in Egypt, they will be more stable, and its people can live in greater peace.

Mr. Speaker, I yield back the balance of my time.

BEYOND THE FEARS OF THE FOUNDING FATHERS

The SPEAKER pro tempore (Mr. JOLLY). Under the Speaker's announced policy of January 3, 2013, the gentleman from Iowa (Mr. KING) is recognized for the remainder of the hour as the designee of the majority leader.

Mr. KING of Iowa. Mr. Speaker, it is my honor to be recognized to address you here on the floor of the United States House of Representatives, this great deliberative body that we are in. We have had a lot of debates and discussions here on the floor over the time that I have had the privilege to serve Americans and Iowans in the Fourth District of Iowa.

Coming into this year, early in the year—in late January—we held a conference in Cambridge, Maryland, a conference to get together and discuss our best legislative strategy for this calendar year, which is the balance of the 113th Congress that we are in, Mr. Speaker. The discussion, invariably, came around to the immigration issue. Now, the immigration issue is a political issue. It is, perhaps, the most complex issue that we have dealt with in the time that I have been here in Congress. It has implications and ramifications that go well beyond things that seem to be simplistic on their face.

In that discussion, it became very clear that House Republicans, at least, didn't want to move on anything that would give the opportunity by the majority leader in the Senate—Senator HARRY REID—and those who advocated for the Senate Gang of Eight bill to be able to attach any of that language on any bill that might emerge from the House. The consensus clearly—and it was 3 or 4–1, Mr. Speaker—was not to take up the immigration issue this year because the very sovereignty of the United States was put at risk, and there was no upside. The only beneficiaries out of it would be people who are unlawfully present in the United States, the people who are hiring cheap labor and profiting from that cheap labor, and the people who are on the other side of the aisle in the political party that recognizes that this country has 11 or more million people in it who are undocumented Democrats. They would like that number to be larger, and they would like to then document those Democrats so that they can be voting Democrats. I understand the motive, I believe, of the people on the other side of the aisle.

Without assigning a motive to the President of the United States, Mr. Speaker, it appears to me that the policies that he has advocated for bring in millions of people who are unlawful to the United States, who have an unlawful presence. I will say that his DACA policy—his Deferred Action for Childhood Arrivals is what he names it, and what I declare it to be is the Deferred Action for Criminal Aliens—has turned into a huge magnet. It is a magnet that has been attracting people from south of the border for a long time. The President issued the order in June of 2012.

It is an unconstitutional order, in my opinion. It is a considered constitutional opinion, Mr. Speaker, and I have put my own personal capital on the line to assert such points in the past and have prevailed. I do understand this ''separation of powers'' issue and this constitutional issue. When the Congress establishes immigration law, part of that law says that Federal immigration enforcement officers, when they encounter someone who is unlawfully present in the United States, have an obligation. The language is they ''shall'' place him in removal proceedings. Yet the President has issued an order that commands the Federal officers, including the ICE agents, to violate the law or to, say, ignore the law, which is the equivalent of violating the law, Mr. Speaker. This is what we are up against.

We have a President who taught constitutional law for 10 years at the University of Chicago's school of law as an adjunct professor—10 years of teaching the Constitution and all of these years to contemplate his oath of office to preserve, protect, and defend the Constitution of the United States of America, so help him God, and to take care—this is linked to the President's oath. It is not exactly the verbiage, but it is exactly the language in our Constitution that he shall take care that the laws be faithfully executed. Instead, it appears that he has misinterpreted the words ''faithfully executed,'' and he has faithfully killed off the law. It didn't mean when written in the Constitution, ''faithfully executed,'' to kill off the law. What it meant was carry out the law, implement the law, enforce the law. That is what ''faithfully execute'' means. You would think that any adjunct professor, especially a constitutional law professor, would know that, Mr. Speaker, and I know that he does. Yet he still issued the DACA language. He still issued the Morton Memos.

When Janet Napolitano, then the Secretary of Homeland Security, came before the Judiciary Committee to testify on this DACA language and on the Morton Memos, she repeated many times in her testimony the language that is in the memo that came out, which is on an individual basis only. They created with the Morton Memos four different classes of people, Mr. Speaker, and if people came into the United States of America before their 18th birthdays—or successfully alleged that they did—and if they arrived here before December 31 of 2011, which conforms with the Senate Gang of Eight language, I might add, then they would be granted temporary legal status for 2 years in this country, and they were granted work permits—manufactured out of thin air. I say ''out of thin air'' because it is unconstitutional for the President to manufacture immigration law. The Constitution reserves immigration law for the United States Congress, not for the President of the United States.

In fact, there is a reason that we are article I. The Congress is article I because we are the most important of the three branches of government. They wanted the voice of the people to set the policy for America, and they wanted the President to carry it out. By the way, the President has lectured to that effect over here at a high school not very far from us. I believe the date was March 28 of 2011.

I know it was March 28 when they asked him: Why don't you pass the DREAM Act by executive order or executive edict?

The President said to them: You have been studying the Constitution. You are smart people. You know that Congress' job is to pass the laws, and my job is to enforce the laws, and the judiciary branch's job is to interpret the laws.

It was a very clean and concise analysis of the three branches of government. The President delivered that in a lecture on March 28, 2011. By June of 2012—I think that is how those dates worked out—the President had already gone back on the lecture he had given to the high school students and had decided that he could, after all, manufacture immigration law out of thin air. It is lawless to do that. The law doesn't allow him to do that. The supreme law

of the land doesn't allow him to do that, but he pulled it off anyway.

What is the restraint, Mr. Speaker? What is the restraint that this Congress has?

These Members of Congress go home, and their constituents stand up in a town hall meeting, and they say: Restrain this President. Put the immigration law back in order. Enforce the law. Do not let this President defy the law or change the law.

They believe somehow that this Congress has the tools to restrain a President who has so little respect for the language that we have passed into law here in this Congress. Now, there is no way to get around certain pieces of language. There is no way to get around it. He will go around everything that there is a way around. He has checked the fences constantly—he has got minions of lawyers who are doing that—but he gets to a certain place where the law doesn't allow it any longer.

For example, the work component of welfare to work only existed within TANF, the Temporary Assistance for Needy Families. The President decided he would manufacture waivers so that the people who were collecting TANF benefits didn't have to work. The work requirement was suspended even though that language was written so that then-President Clinton couldn't suspend the work component of Temporary Assistance for Needy Families. That was a big part of welfare reform; yet President Obama simply granted waivers and suspended the work component, so now there is no longer a work component that is effective in TANF.

That is not lawful. That is not constitutional. You have to litigate this thing through the courts to no end, and to get an answer back out of the courts before the President goes off to his never-never land of perpetual golfing outings is very, very difficult to do. The longer that we are in court, the more Federal judges are appointed by this President who are selected to agree with him. That is just Temporary Assistance for Needy Families and the work component.

Also, as to No Child Left Behind, waiver, waiver, waiver to the point where No Child Left Behind no longer has anything left. It has all been left behind, and the President has nullified it by executive edict even though it was a big piece of legislation that was passed in this Congress in a bipartisan way, negotiated and supported by then-Senator Teddy Kennedy and signed by President George Bush. This reflected at the time the will of the people.

Now, I am not taking any position, Mr. Speaker, that I support this, but I am suggesting this: the Constitution is the supreme law of the land. When Congress passes a law and a President signs the law, that is the law, and any subsequent President has an obligation to enforce that law and to carry it out unless and until the Congress should amend it. If the President should want to see the Congress repeal or amend a law, it is pretty easy for the President to find a Member of the House of Representatives to introduce a piece of legislation that reflects the wish and, perhaps, the will of the President. So there is a means to change it in the same way that there is a means to amend this Constitution that I carry in my jacket pocket each day.

This Constitution is the supreme law of the land. It guides us, and there is a provision to amend it. If we don't like the policy that results from this Constitution—the base document or the various amendments that are attached to it now after this course of history—we can amend the Constitution. We can bring it before the House and the Senate with a two-thirds vote, and we can message it to the States in its having been approved by the House and the Senate, and the States can set about ratifying an amendment to the Constitution.

Until then, I would say this, Mr. Speaker, to the President of the United States and to all who aspire to be President, to all who aspire to serve in the United States House, in the United States Senate, or in any capacity of trust with the people: understand that this is the supreme law of the land. You are bound by it until such time as it might be amended. You cannot redefine it, and you cannot wish it away, and you cannot ignore it. You cannot violate this supreme law of the land. It is the framework upon which all of our laws are written. It is an important, important document that sets about and defines the separation of powers—the legislative branch, the executive branch, and the judicial branch of government.

We have a President who has gone beyond the imagination of our Founding Fathers. He has gone beyond the fears that our Founding Fathers used when they drafted such a beautiful document, which has survived in pretty good health for these centuries that we have had it. The President has now gone to a place where he decides whether he is going to enforce a law or not, and he has the audacity to step up and just seek to change the law by press conference. He did this on ObamaCare. He stood out in the Rose Garden with the Great Seal of the United States, and he said he was now going to make an accommodation to the religious organizations in the country. Rather than requiring them to do what the rules of ObamaCare were written to require them to do, he was now going to require the insurance companies to do that with no charge—the insurance companies, no charge.

□ 2045

Now, I went back and checked, checked the law, ObamaCare. I checked all the rules that had been written. I checked to see if they had amended the rule in any way, if there had been a public comment period, if they followed the Administrative Procedures Act. Nothing. There is not an I dotted differently; there is not a T crossed differently.

The insurance companies stepped up to do what the President had commanded them to do by voice, verbally, in a press conference. That is not law. That is not a republic. That doesn't result even in a civilization.

Now we have this tragedy going on on the southern border that is a result of the President deciding that he could suspend law and decide not to enforce the law, Mr. Speaker.

Mr. Speaker, I would ask how much time I have remaining.

The SPEAKER pro tempore. The gentleman from Iowa has 35 minutes remaining.

Mr. KING of Iowa. Mr. Speaker, I will try to conform my comments into that time period.

Mr. Speaker, the immigration issue has emerged now as the number one topic in front of the American people again. I had hoped that we had set it aside. I had hoped that we would go through this year and that we would be focusing on the things that are so important to us.

This is a topic that has emerged because of the human trafficking and the human suffering that is taking place, and I would like to deliver a report on what I have seen just over this past weekend and how it fits in with some of the other things I have been involved in, especially on our border.

As I listened to the dialogue emerge and I heard ideas emerging in our conference, it was important that I go down to the border and take a fresh look at the most porous component of our border, where they have the most illegal crossings along our 2,000-mile border with Mexico. This a was portion of the border that I had not traveled in the past.

When I add up the places that I have traveled for border inspection, it covers, I believe, every mile of California and Arizona and New Mexico in one fashion or another, whether it is by air or whether it is on the ground. Some of those times it is sitting down there at night listening and waiting for people to come across the border. I have been involved in the interdiction of illegal drugs. I have unloaded drugs out of the false beds of trucks and been there as part of the—I will say an observer in the team that is interdicting illegal aliens who are drug smugglers, who are MS–13.

That carries me on over into the Texas border where I have done several segments of it, but I had not been to the southern tip of Texas. I hadn't been to McAllen. I hadn't been to Brownsville and the region down there. So, since that is the most porous section now—or, I should say, the highest trafficking section now—I headed down that way last Friday night and arrived there relatively late Friday evening.

I got up early in the morning and went out to the mouth of the Rio Grande River. Of course the Rio Grande

River is the dividing line through there between the United States and Mexico, between Texas and Mexico. There is a road that leads out to the gulf, and once you get out to the gulf, you can take about a 3-mile drive down the beach to the south to get to the outlet of the Rio Grande River.

So we drove down that 3 miles of sandy beach and down to the mouth of the Rio Grande River to observe that location where I would say, once we are forced into and once this Congress concludes that we should build a fence, a wall, and a fence on our southern border, I wanted to go to the place where you would set the furthest, most easterly cornerpost in order to start building the fence, the wall, and the fence. That is near the mouth of the Rio Grande River.

I went there, looked at that, set a flag there to locate the perimeter of the United States of America, observed as people from Mexico were waiting around out around the outlet of the Rio Grande River and easily can wade across that into the United States, as they can in many places along the river up and down the Rio Grande.

From there, I traveled back again and into Brownsville, where we visited three ports of entry in Brownsville and also a not-for-profit entity that was working under the auspices of Health and Human Services that was in the business of housing unaccompanied alien children until such time as they were relocated someplace into the United States.

From there, we traveled then to McAllen, where we received a briefing at the sector center, the border patrol sector, McAllen sector center, in a conference room with good people at the table; then from there, out into the detention area where they are incarcerating individuals that they are interdicting along the border.

Those numbers have diminished substantially over the last 3 to 4 weeks, Mr. Speaker, into some number that I recognize to be a little bit less than half of the peak amount that were pouring through into the United States illegally.

Then from there, we went into the holding facilities. We were freely able to walk through and look at everything that was there. Then we went over to a location of a large building that the Border Patrol had retrofitted in a very fast and, looked to me, like a very efficient setup turnaround to be prepared to handle a lot of unaccompanied alien children who were in a huge building with dividing segments in there, all of it air-conditioned, with Health and Human Services workers there playing barefoot soccer indoors in air-conditioning, which I am sure was a new experience for those kids that were there.

From there, we went out for a briefing with the Department of Public Safety and the Texas Rangers to get a different perspective, a perspective from the State and the State officials, the law enforcement officers that are eyes-on, hands-on, and they are engaged and they are working hand-in-glove with the Border Patrol, Customs, Border Protection, and ICE.

I have been impressed with our professional officers all the way along the way. Everybody in a uniform that I encountered was a good, solid, squared-away, professional individual that input good information to us.

After the Texas Department of Public Safety and Texas Rangers gave us their briefing, which lasted nearly 2 hours, then we went on out and rode with a Department of Public Safety officer who took us out to observe the night operations of helicopter surveillance overhead and the spotlights from the helicopters and the other devices that they have that help them locate people that are sneaking into America, whether they are being trafficked as human or whether they are drug trafficking going in.

Then, the next morning, we picked up and began to poke our way upstream towards Laredo. Well, first I should mention that I went to church at Sacred Heart Church there in McAllen, Texas, a Spanish mass, and went over next door to the parish center and the church parking lot where they have converted that into a relief center where they are processing people through and giving them a shower if they need it, medication if they need it, a light meal, and a bag of goodies to travel with before they go to the bus station to be bused up into the United States.

From that location, then we went out to a park where it has been in the national news consistently. The name of the park starts with the letter A. I can't repeat it from memory, Mr. Speaker, but there we saw many, many enforcement officers. We saw Border Patrol. We saw county sheriffs, a constable, and we also saw unmarked undercover officers that were there. They had the park pretty well covered.

There were a lot of people, a lot of Mexicans on the other side of the river who were playing in the water in the river, and jet skis were going back and forth. We know those jets ski are often used to ferry people across to the United States. It was unlikely for that to happen there that day because there was so much cover from law enforcement, but they were posted so consistently along that they did provide a deterrent.

So from there, we poked our way up the river to a small town. ''Ramos'' is pretty close to the spelling of it. It is a small. It is a short-lettered town, a relatively small town and an old town.

There, as we pulled up to the port of entry and took a look across the bridge into Mexico, there was an officer there that gave us a piece of information which is: If you are here from the United States Congress, thank you. Thank you for coming to see what is going on. If you want to see illegals crossing into the United States, take a right down there and drive up along that ridge, and there will be a place there where you can look out over the river. And if you sit there and wait an hour or so, you will see people crossing the river into the United States.

So we did pull up there and met with a couple of police officers, and then the Border Patrol came along. While we were there waiting, we were able to watch on the other side of the river, where a team of two on the Mexico side inflated a relatively large inflatable raft, larger than I expected at least. About the size of a pool table would be my guess.

They loaded a female, it turned out to be a pregnant female, into this raft. And you could watch as they just, late afternoon, roughly 4 or 4:30, just brazenly started across the river and ran that raft right on over into the United States side where they go out of sight because of the brush. They came directly over across the river.

The Border Patrol knew where they were. They would watch them. The city police could watch them.

That illegal immigrant that came into America in that raft, was helped onto the shore by one of the two coyotes that were in the raft, and was handed the two bags of her personal items that she had with her. The coyote who got off on the shore got back in the raft, and they pulled away from the shore and went back to Mexico.

The Border Patrol didn't get there in time to interdict the raft. They didn't seem to be as animated as I thought they would, which told me that it is a regular experience, not an irregular experience.

They did interdict the illegal, who appeared to be pregnant, and likely came over to the United States to claim credible fear and asylum. And of course, if she has the baby here, that baby will be an American citizen. As soon as that baby is of age, that child can then start the reunification process to bring all of its family over here into the United States.

That is what is going on on the border. And the officers that we were with while that happened said that they believe that the distraction that was created by bringing her over was a distraction that likely gave them an opportunity to smuggle a significant amount of illegal drugs across the river, probably upstream a ways, just out of sight of where we were and at a place where you can't drive.

That was, I think, the most significant observation that we had, to see that brazen crossing of the river. They knew the Border Patrol was watching them. They knew the city police were watching them. They could see us up there, and that didn't deter them. They went across the river anyway and dropped her off and skedaddled back to the Mexican side.

We even have video of them deflating the raft and folding it up and putting it in their vehicle. So surveillance would put a license number on that vehicle,

and it should be traceable, and it should be easy enough to identify the people that are doing this. But we don't have the level of cooperation across the river in Mexico, according to the questions that I asked. We have a border that is not completely open, but it is a long, long ways from being closed, Mr. Speaker.

From there, we went on up the river and followed the border clear on into Laredo, where we took a tour from Customs and Border Protection in that very busy Laredo crossing there at Laredo, of the land freight, the semitrailers, as I took it, that are coming into the United States or leaving the United States. Forty-six percent of them in the southwest border come through Laredo. It is a huge crossing. The people there are professional. They use new technology to the extent that they can. There is just a lot of traffic.

As I look at this overall policy, we also visited with or were able to observe the processing of people who are, let's say, interdicted and apprehended for illegal entry into the United States. Here is what it comes down to, Mr. Speaker, along these lines:

The high number of unaccompanied alien children has been a problem that we have not encountered anywhere near to this magnitude before. There was a situation that about 10 to 11 percent used to be unaccompanied alien children. That number now has jumped up to 20 percent. At times, it runs substantially more than that.

When you have an unaccompanied alien child that comes into the United States, they are often smuggled across Mexico by a coyote.

So think of this, Mr. Speaker. A girl or a boy in a family—and the boys are 80 percent, and the girls are 20 percent of the overall universe that are coming into the United States—that little boy or that little girl, the family will come up with a number that is in the area of $6,000 each. The coyote often lives in the same neighborhood. He will gather together a group as large as he thinks he can manage, and they will pay him his $6,000 per child, and then they start about transporting these unaccompanied alien children who are accompanied by—actually accompanied by—a coyote. So they are accompanied.

□ 2100

It is 2,500 miles, they tell me, from El Salvador up to Brownsville. It is about 2,000 miles of Mexico altogether and about 500 miles through the jungle of El Salvador into Mexico.

So let's just say 2,000 miles. They will get on the train, called The Train of Death, The Beast, and ride on top of the train. They will perhaps get in the cars of the train, hang on to the sides of the train, and ride that train on up towards the United States.

We have been advised here in this Congress by people who have been on the ground before I arrived there that as many as 100 percent of the girls that are being transported are given birth control because the anticipation that they will be subjected to rape is so high that they want to be as sure as they can that even though they think that she will be raped, they don't want her pregnant with the product of rape. So they will go to the local pharmacy, where it doesn't require a prescription in those countries, and buy birth control pills and start their daughter on this—their 12-year-old daughter, their 13-year-old daughter their 14-, 15-, 16- or 17-year-old daughter, put her on birth control pills and put her on the train, all the while having an understanding that there was a high risk that she would be raped.

And the data that we got, the judgment that we got from the people that are taking care of these unaccompanied alien children, gave us these numbers: The lowest number they gave us on those that were raped on the way up was one-third. The highest number they gave was 70 percent. In one place, they told us that it makes no difference, boys or girls; they are victimized in the same proportion. Boys are victimized in the same proportion as the girls. I am not convinced that that is a reliable response, but it was repeated several times back to us. But I am convinced that it is a reliable response on the girls.

What kind of compassion is it, Mr. Speaker, that supports a policy, that is attracted by DACA, that would cause a family member—whether it is a mother and a father in, say, Guatemala, El Salvador, or Honduras, or an aunt and uncle, a grandparent, to go down to the pharmacy and buy birth control pills and bring them back and start the prescription of the birth control pills to your 12-year-old daughter, your 12-year-old granddaughter, your 12-year-old niece—13, 14, 15—and then hand her over to a coyote who is, by definition, a human trafficker and put her out there in the custody of the coyote. And she ends up on a bus. She ends up on a truck. She ends up on a train. She ends up raped. And if she gets to the United States alive, traumatized, she has still got to get across the river. She still has to get into the United States. And maybe she goes across on a boat. Maybe she goes across on a jet ski. Maybe the water is low and she is able to get across. Right now, it is too deep in that area for that to happen.

Swimming is a chance, but sometimes they drown. Sometimes they pick up sexually transmitted diseases. Sometimes they are killed along the way. Many, many, many times they are raped.

This is the product of DACA. This is the product of a feckless policy that is also a lawless policy, a policy that violates the existing law that says, you shall place them into removal proceedings. But the President has ordered, you shall not do so. He has ordered ICE to violate the law. And the result of that is, an advertisement, a magnet that goes down into Central America, that reminds them, if you can get to the United States, you get to stay. And especially if you send your children up, and they are unaccompanied by a family member or an adult. But there are also a good number of children who come with adults.

And they told us that often, it is a mother with one, two, or three children who has come all the way across Mexico through drug cartel land on the train of death, on the beast, or riding in some other form of transportation to arrive at the United States.

So here is what happens: if they live, if they get here, even though they are traumatized and they may have disease—although I didn't find evidence of the magnitude of the incidence of the disease that I had been advised that there was—if they get here, and they are turning themselves over to the Border Patrol or surrendering to the first person they find—you might be walking along, watching birds along the Rio Grande river and have one or multiple illegals come out of the brush and surrender to you. They want to turn themselves over to the United States, especially the women and especially the children, but not so much the men.

And then what happens is, they are picked up by the Border Patrol. They are taken down to the station. They are identified as much as they can. A lot of them do have birth certificates on them. A lot of them have a phone number of them of some family member, some friend, some destination they want to go to in America. They are processed. They are put into a holding cell, along with—sometimes it is a whole mix of different ages, men and women, nursing mothers, little kids. They might all be put in there together while they identify them, before they sort them. And then they will be sorted out in these holding cells with young girls there, older girls here, mothers with babies here, and mothers with babies and kids here, adult males here, young males here. That mix is there.

Here is what this also comes to: If you look at the unaccompanied alien children that come into the United States, this number that is roughly 20 percent of the population of those that are interdicted now, here is the data from the Health and Human Services Web site, Office of Refugee Resettlement: it is 80 percent male. These are the unaccompanied alien children. So they are under the age of 18, up to and including 17. They are 80 percent male, and they are 83 percent older than 14, younger than 18. That means they are 15, 16, and 17 years old, Mr. Speaker. That is a high percentage in that range.

So here is how you calculate this. And that is, if you take 0.8, the 80 percent for male, and you multiply it by the percentage that are older teenagers—that is 83 percent that are 15, 16, and 17—multiply those two together, and you get 64 percent, which is right in that two-thirds category.

We have already crossed the line of more than 57,000 unaccompanied alien

children who are interdicted down on the southern border, and that happened on June 15. So now we have got another month and a couple of weeks that have been racked up. We are easily over 60,000.

But here is a number to think about, Mr. Speaker: 60,000 unaccompanied alien children. And out of that 60,000, two-thirds of them are males of prime gang recruitment age. So that means that of the 60,000, 40,000 are right there for MS–13 to recruit or right there for the Gulf Cartel to recruit, right there to be part of those who go into the crime syndicates, as opposed to those who might have had an opportunity and might have had a different approach if they were not exposed to this kind of life.

You can go to any country in the world and identify the most dangerous demographic in any population and it is going to be young males. Young males cause the most trouble. They are the most violent. They commit the most crimes, whether they are sexual assault crimes or whether it is homicide, whether it is assault, whether it is theft, that comes out of that universe of young males.

You could go to a place where I think there is a low crime rate—and I haven't looked this up. I just don't hear of anything coming out of Iceland. So you could go to Iceland and pick the Icelandic boys that are 15, 16, and 17 years old. They are going to be the prime age where they are committing crimes—that and older, the 18 to 25 to 30 to 32, and then it starts to taper off again.

This is the universe that is coming out of Guatemala, El Salvador, and Honduras, the high gang recruitment age from some of the most violent countries in the world. As a matter of fact, the six most violent countries in the world with the highest homicide rates are south of Mexico. Eight of the top 10 countries with the highest homicide rates in the world are south of Mexico. We are bringing in young males to the tune of two-thirds of those that are coming across as unaccompanied alien children, two-thirds of them—40,000 of 60,000 at least since the beginning of this fiscal year, 15, 16, and 17 years old.

Now, there is one side of this that says, have compassion. They are only kids. There is another side that says, we should have some compassion for the American people. The American people are paying a price. They will pay a price in blood for these acts of this President. And the policy that they have is, they are just scattering them across the country. They will put them in a holding place until they can process them. Health and Human Services takes them into their custody. If they have a phone number in their pocket, they will call that phone number and say, can you send us a bus ticket? If you send us a bus ticket, we will put this person on the bus and send them to where you want them to go.

There is not a very reliable method of identifying any background checks on the people that are—let's say they are the recipients of the unaccompanied alien children that are here, those 17-year-old potential gang recruits. They could be crack houses. They could be meth houses. They could be cat houses. They could be stash houses. It could be an MS–13 headquarters. They get delivered there. They get put on a bus to get sent there. Sometimes they get escorted there. Sometimes Customs and Border Protection puts them in a car and drives them across the State of Texas to another location.

And when they do that, they have got two officers there. Sometimes those two officers are flying as few as one—they like to get a few more but as few as one of these individuals—to a place like Los Angeles from Laredo.

Laredo to Los Angeles, two Federal officers escorting a 14-, 15-, 16-, 17-year-old to Los Angeles. We are ending up with two round-trip plane tickets—often three round-trip plane tickets—and tie in a couple of hotel rooms to deliver and complete the crime.

And what has happened is—I read a case that was decided in December of 2013. So, December of last year, Mr. Speaker, and it was a Federal judge who had to rule on a case of human trafficking, human smuggling prosecution. And what had happened was, there was a mother in Virginia, an illegal alien mother who had unlawfully entered the United States and was living illegally in Virginia, who had collected some money and sent that off to a coyote in El Salvador. It might have been Guatemala, but I believe it was El Salvador. And she paid the human smuggler to smuggle her 10-year-old daughter from El Salvador to Virginia.

And so as the human smuggler, the coyote, smuggled the 10-year-old girl across the southern border to the United States, they were interdicted by the Border Patrol. And they have brought charges against the coyote, the human smuggler. And those were the Federal charges that the judge wrote his opinion on.

As he wrote in this opinion, and I will summarize, he said: This is the fourth case I have had in as many weeks of ICE—this child was turned over to Immigration and Customs Enforcement. ICE had taken this child and delivered her to the illegal household of her biological mother in Virginia. That was the objective of the crime in the first place, to get her daughter illegally delivered into the illegal mother's household in the illegal household in Virginia. And as the coyote was interdicted with the 10-year-old at the border, and the Border Patrol caught them up and processed them over into ICE, and they filed charges for human trafficking, when the smuggler came across in front of the judge, he said: This is the fourth case that I have had in as many weeks, and it is appalling that the Federal Government—in this case, ICE—would complete the crime. Take the 10-year-old daughter and deliver her another 1,000 miles across America into the arms of her illegal mother, into an illegal household.

Now, that sounds like there are four cases that are an anomaly, Mr. Speaker. But those four cases, I wish they were an anomaly. They are not. That is the standard today. And it is happening—not four times, not 40 times, not 400 times—thousands and thousands of times, this Federal Government is completing the crime of unlawful entry into the United States.

So if you are under 18—or you say you are under 18—and you come into America with your birth certificate and a phone number of where you would like to be delivered, the process becomes, you get processed. If you are under 14, they don't even take your fingerprints. Neither do they take a photograph that is attached to your identification to identify you by. So we don't know who these kids are.

□ 2115

If they have a phone number, Border Patrol will process them. They try to get them turned over to Health and Human Services within 72 hours, and when there is a backlog, it took longer. They were doing the best they could to comply with the law.

Health and Human Services hired nongovernment contractors to house, process, deliver, and distribute, and so this unaccompanied alien child then—no fingerprints, no pictures, but a shower, food, and a fresh set of clothes, and they will send that unaccompanied alien child then anywhere in America that they request to go.

Sometimes, they will get a bus ticket that is sent—that is paid for by the recipient household, and sometimes, they don't. They tell us they try not to have to buy those tickets out of your tax dollars, Mr. Speaker, but we know that is going on.

It is a welcome mat—it is a welcoming party for people that come into America, and by the way, if they have a birth certificate, Border Patrol then will take their identifying documents, stick them in a file, and give them a piece of paper that is printed off on a Border Patrol printer, the size of this piece of typing paper and the same texture.

It is a permission slip, or permiso, as they are calling it, that allows that illegal alien to stay in the United States, and they are supposed to promise that they are going to appear for a hearing.

Well, we know that not very many of them do appear for hearings, but if they do, they have already been coached to say that they have a credible fear of being persecuted in their home country for whatever reason. They make the argument that they have this credible fear, and then they are allowed to stay in America, essentially, as asylees.

This happens in a very, very high percentage of them, whether they are

unaccompanied alien children—that is the highest percent that gets to stay. Mothers with children is the next highest percent that gets to stay.

When people are leaving the countries in Central America, Guatemala, El Salvador, and Honduras in massive numbers by the thousands and nobody shows up having been deported to those countries, then what happens is they understand that the promises are true, your odds of being deported are now down to this—now, it is well less than 1 percent, and the promise of America will take care of you, America will give you your heat subsidy, your rent subsidy, your housing, your food stamps, your Obama phone, your ObamaCare, and now, the President wants to give you your lawyer.

All of that is part of the promise. Until we send people back, they are going to keep coming. The common denominator message that we received over and over again, Mr. Speaker, was that unless you send them back, that is the only way you can send the message ''don't come,'' is for people to lose their $5,000, $6,000, $7,000, $8,000 that they have invested in paying a coyote and being back in their home country, trying to save up some more money to come into America. That is a big chunk of money for people that are averaging less than $3,000 a year, on average, for their income.

We have a government policy that is a complete mess and a calamity. I believe that each of the law enforcement there are doing the job as best they can, and the rules of engagement prevent them from having a cohesive strategy that can actually secure the border.

We need to build a fence and a wall and a fence on the southern border to keep them on the other side of it, so they can't get in, and we need to call upon the border State Governors, in particular the Governor of Texas, to continue to do what he is doing—that is call up forces to secure the border, that is call up his National Guard—the Texas National Guard—to secure the border.

This Congress has an obligation to pass a resolution that calls upon the border State Governors to call up their National Guard to circumvent the Commander in Chief of the United States—constitutionally, I might add. It is the only way to secure the border. This President will not. He will not secure the border. The border State Governors can do this, I believe they will do this, and Congress has an obligation to fund them.

So I put a message out, Mr. Speaker, that we first need to pass a resolution in this Congress, and the resolution needs to say the President's DACA language, coupled with mostly the excuse of the 2008 legislation, his refusal to enforce immigration law, and his advertisement that we are not going to enforce the law that has penetrated deeply into Mexico and Central America has got to stop. The President has to reverse it. He has to start enforcing the law. That is job one.

The second one is—it is not going to happen, I don't believe he is going to do it, I don't think it is in his head or his heart, he has got another agenda, and so we call upon the border State Governors to call up their National Guard and enforce the border and commit the House at least to funding the border State Governors, so they can keep them on the line, and they can go to the other States for reinforcements, especially with sympathetic Governors.

Pass the little fix of the 2008 law, set it as a stand-alone bill, and send it over to the Senate because they are hiding behind it now and using that as an excuse not to enforce the law.

Another one, do not let these illegal aliens go north of the border any more than 50 miles. Keep them contained. Put them in housing that, if it is good enough for the United States military, it is good enough for those who have come into the United States illegally—yes, even if it is canvas, even if it is a tent city, we cannot be rewarding them with air-conditioned buildings and opulent digs scattered across the countryside.

Mr. Speaker, there are solutions to this. They are in the hands of the President. We need to call upon him to enforce the law.

Mr. Speaker, I yield back the balance of my time.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess subject to the call of the Chair.

Accordingly (at 9 o'clock and 20 minutes p.m.), the House stood in recess.

□ 2326

AFTER RECESS

The recess having expired, the House was called to order by the Speaker pro tempore (Mr. FLORES) at 11 o'clock and 26 minutes p.m.

CONFERENCE REPORT ON H.R. 3230, PAY OUR GUARD AND RESERVE ACT

Mr. MILLER of Florida submitted the following conference report and statement on the bill (H.R. 3230) making continuing appropriations during a government shutdown to provide pay and allowances to members of the reserve components of the Armed Forces who perform inactive-duty training during such period:

CONFERENCE REPORT

H. REPT. 113–564

The committee of conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 3230), making continuing appropriations during a Government shutdown to provide pay and allowances to members of the reserve components of the Armed Forces who perform inactive-duty training during such period, having met, after full and free conference, have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendment of the House and agree to the same with an amendment as follows:

In lieu of the matter proposed to be inserted by the House amendment, insert the following:

SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) SHORT TITLE.—This Act may be cited as the ''Veterans Access, Choice, and Accountability Act of 2014''.

(b) TABLE OF CONTENTS.—The table of contents for this Act is as follows:

SEC. 2. DEFINITIONS.

In this Act:

(1) The term ''facility of the Department'' has the meaning given the term ''facilities of the Department'' in section 1701 of title 38, United States Code.

(2) The terms ''hospital care'' and ''medical services'' have the meanings given such terms in section 1701 of title 38, United States Code.

TITLE I—IMPROVEMENT OF ACCESS TO CARE FROM NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS

SEC. 101. EXPANDED AVAILABILITY OF HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS THROUGH THE USE OF AGREEMENTS WITH NON-DEPARTMENT OF VETERANS AFFAIRS ENTITIES.

(a) EXPANSION OF AVAILABLE CARE AND SERVICES.—

(1) FURNISHING OF CARE.—

(A) IN GENERAL.—Hospital care and medical services under chapter 17 of title 38, United States Code, shall be furnished to an eligible veteran described in subsection (b), at the election of such veteran, through agreements authorized under subsection (d), or any other law administered by the Secretary of Veterans Affairs, with entities specified in subparagraph (B) for the furnishing of such care and services to veterans.

(B) ENTITIES SPECIFIED.—The entities specified in this subparagraph are the following:

(i) Any health care provider that is participating in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(ii) Any Federally-qualified health center (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B))).

(iii) The Department of Defense.

(iv) The Indian Health Service.

(2) CHOICE OF PROVIDER.—An eligible veteran who makes an election under subsection (c) to receive hospital care or medical services under this section may select a provider of such care or services from among the entities specified in paragraph (1)(B) that are accessible to the veteran.

(3) COORDINATION OF CARE AND SERVICES.—The Secretary shall coordinate, through the Non-VA Care Coordination Program of the Department of Veterans Affairs, the furnishing of care and services under this section to eligible veterans, including by ensuring that an eligible veteran receives an appointment for such care and services within the wait-time goals of the Veterans Health Administration for the furnishing of hospital care and medical services.

(b) ELIGIBLE VETERANS.—A veteran is an eligible veteran for purposes of this section if—

(1)(A) as of August 1, 2014, the veteran is enrolled in the patient enrollment system of the Department of Veterans Affairs established and operated under section 1705 of title 38, United States Code, including any such veteran who has not received hospital care or medical services from the Department and has contacted the Department seeking an initial appointment from the Department for the receipt of such care or services; or

(B) the veteran is eligible for hospital care and medical services under section 1710(e)(1)(D) of such title and is a veteran described in section 1710(e)(3) of such title; and

(2) the veteran—

(A) attempts, or has attempted, to schedule an appointment for the receipt of hospital care or medical services under chapter 17 of title 38, United States Code, but is unable to schedule an appointment within the wait-time goals of the Veterans Health Administration for the furnishing of such care or services;

(B) resides more than 40 miles from the medical facility of the Department, including a community-based outpatient clinic, that is closest to the residence of the veteran;

(C) resides—

(i) in a State without a medical facility of the Department that provides—

(I) hospital care;

(II) emergency medical services; and

(III) surgical care rated by the Secretary as having a surgical complexity of standard; and

(ii) more than 20 miles from a medical facility of the Department described in clause (i); or

(D)(i) resides in a location, other than a location in Guam, American Samoa, or the Republic of the Philippines, that is 40 miles or less from a medical facility of the Department, including a community-based outpatient clinic; and

(ii)(I) is required to travel by air, boat, or ferry to reach each medical facility described in clause (i) that is 40 miles or less from the residence of the veteran; or

(II) faces an unusual or excessive burden in accessing each medical facility described in clause (i) that is 40 miles or less from the residence of the veteran due to geographical challenges, as determined by the Secretary.

(c) ELECTION AND AUTHORIZATION.—

(1) IN GENERAL.—In the case of an eligible veteran described in subsection (b)(2)(A), the Secretary shall, at the election of the eligible veteran—

(A) place such eligible veteran on an electronic waiting list described in paragraph (2) for an appointment for hospital care or medical services the veteran has elected to receive under this section; or

(B)(i) authorize that such care or services be furnished to the eligible veteran under this section for a period of time specified by the Secretary; and

(ii) notify the eligible veteran by the most effective means available, including electronic communication or notification in writing, describing the care or services the eligible veteran is eligible to receive under this section.

(2) ELECTRONIC WAITING LIST.—The electronic waiting list described in this paragraph shall be maintained by the Department and allow access by each eligible veteran via www.myhealth.va.gov or any successor website for the following purposes:

(A) To determine the place of such eligible veteran on the waiting list.

(B) To determine the average length of time an individual spends on the waiting list, disaggregated by medical facility of the Department and type of care or service needed, for purposes of allowing such eligible veteran to make an informed election under paragraph (1).

(d) CARE AND SERVICES THROUGH AGREEMENTS.—

(1) AGREEMENTS.—

(A) IN GENERAL.—The Secretary shall enter into agreements for furnishing care and services to eligible veterans under this section with entities specified in subsection (a)(1)(B).

(B) AGREEMENT DEFINED.—In this paragraph, the term ''agreement'' includes contracts, intergovernmental agreements, and provider agreements, as appropriate.

(2) RATES AND REIMBURSEMENT.—

(A) IN GENERAL.—In entering into an agreement under paragraph (1) with an entity specified in subsection (a)(1)(B), the Secretary shall—

(i) negotiate rates for the furnishing of care and services under this section; and

(ii) reimburse the entity for such care and services at the rates negotiated pursuant to clause (i) as provided in such agreement.

(B) LIMIT ON RATES.—

(i) IN GENERAL.—Except as provided in clause (ii), rates negotiated under subparagraph (A)(i) shall not be more than the rates paid by the United States to a provider of services (as defined in section 1861(u) of the Social Security Act (42 U.S.C. 1395x(u))) or a supplier (as defined in section 1861(d) of such Act (42 U.S.C. 1395x(d))) under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) for the same care or services.

(ii) EXCEPTION.—

(I) IN GENERAL.—The Secretary may negotiate a rate that is more than the rate paid by the United States as described in clause (i) with respect to the furnishing of care or services under this section to an eligible veteran who resides in a highly rural area.

(II) HIGHLY RURAL AREA DEFINED.—In this clause, the term ''highly rural area'' means an area located in a county that has fewer than seven individuals residing in that county per square mile.

(C) LIMIT ON COLLECTION.—For the furnishing of care or services pursuant to an agreement under paragraph (1), an entity specified in subsection (a)(1)(B) may not collect any amount that is greater than the rate negotiated pursuant to subparagraph (A)(i).

(3) CERTAIN PROCEDURES.—

(A) IN GENERAL.—In entering into an agreement under paragraph (1) with an entity described in subparagraph (B), the Secretary may use the procedures, including those procedures

relating to reimbursement, available for entering into provider agreements under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)). During the period in which such entity furnishes care or services pursuant to this section, such entity may not be treated as a Federal contractor or subcontractor by the Office of Federal Contract Compliance Programs of the Department of Labor by virtue of furnishing such care or services.

(B) ENTITIES DESCRIBED.—The entities described in this subparagraph are the following:

(i) In the case of the Medicare program, any provider of service that has entered into a provider agreement under section 1866(a) of the Social Security Act (42 U.S.C. 1395cc(a)); and

(ii) In the case of the Medicaid program, any provider participating under a State plan under title XIX of such Act (42 U.S.C. 1396 et seq.).

(4) INFORMATION ON POLICIES AND PROCEDURES.—The Secretary shall provide to any entity with which the Secretary has entered into an agreement under paragraph (1) the following:

(A) Information on applicable policies and procedures for submitting bills or claims for authorized care or services furnished to eligible veterans under this section.

(B) Access to a telephone hotline maintained by the Department that such entity may call for information on the following:

(i) Procedures for furnishing care and services under this section.

(ii) Procedures for submitting bills or claims for authorized care and services furnished to eligible veterans under this section and being reimbursed for furnishing such care and services.

(iii) Whether particular care or services under this section are authorized, and the procedures for authorization of such care or services.

(e) OTHER HEALTH-CARE PLAN.—

(1) SUBMITTAL OF INFORMATION TO SECRETARY.—Before receiving hospital care or medical services under this section, an eligible veteran shall provide to the Secretary information on any health-care plan described in paragraph (4) under which the eligible veteran is covered.

(2) DISCLOSURE OF INFORMATION TO NON-DEPARTMENT ENTITY.—Notwithstanding section 5701 of title 38, United States Code, for purposes of furnishing hospital care or medical services to an eligible veteran under this section, the Secretary shall disclose to the entity specified in paragraph (1)(B) of subsection (a) with which the Secretary has entered into an agreement described in such subsection—

(A) whether the eligible veteran is covered under a health-care plan described in paragraph (4); and

(B) whether the hospital care or medical services sought by the eligible veteran is for a medical condition that is related to a non-service-connected disability described in paragraph (3)(C).

(3) CARE FOR WHICH THE DEPARTMENT IS SECONDARILY RESPONSIBLE.—

(A) IN GENERAL.—If an eligible veteran is covered under a health-care plan described in paragraph (4) and receives hospital care or medical services for a non-service-connected disability described in subparagraph (C), such health-care plan shall be primarily responsible for paying for such care or services, to the extent such care or services is covered by such health-care plan, and the Secretary shall be secondarily responsible for paying for such care or services in accordance with subparagraph (B)(ii).

(B) RESPONSIBILITY FOR COSTS OF CARE.—In a case in which the Secretary is secondarily responsible for paying for hospital care or medical services as described in subparagraph (A)—

(i) the health care provider that furnishes such care or services pursuant to an agreement described in subsection (a) shall be responsible for seeking reimbursement for the cost of such care or services from the health-care plan described in paragraph (4) under which the eligible veteran is covered; and

(ii) the Secretary shall be responsible for promptly paying only the amount that is not covered by such health-care plan, except that such responsibility for payment may not exceed the rate determined for such care or services pursuant to subsection (d)(2).

(C) NON-SERVICE-CONNECTED DISABILITY DESCRIBED.—A non-service-connected disability described in this subsection is a non-service-connected disability (as defined in section 101 of title 38, United States Code)—

(i) that is incurred incident to a veteran's employment and that is covered under a workers' compensation law or plan that provides for payment for the cost of health care and services provided to the veteran by reason of the disability;

(ii) that is incurred as the result of a motor vehicle accident to which applies a State law that requires the owners or operators of motor vehicles registered in that State to have in force automobile accident reparations insurance;

(iii) that is incurred as the result of a crime of personal violence that occurred in a State, or a political subdivision of a State, in which a person injured as the result of such a crime is entitled to receive health care and services at such State's or subdivision's expense for personal injuries suffered as the result of such crime;

(iv) that is incurred by a veteran—

(I) who does not have a service-connected disability; and

(II) who is entitled to care (or payment of the expenses of care) under a health-care plan; or

(v) for which care and services are furnished under this section to a veteran who—

(I) has a service-connected disability; and

(II) is entitled to care (or payment of the expenses of care) under a health-care plan.

(4) HEALTH-CARE PLAN.—A health-care plan described in this paragraph—

(A) is an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or similar arrangement not administered by the Secretary of Veterans Affairs, under which health services for individuals are provided or the expenses of such services are paid; and

(B) does not include any such policy, contract, agreement, or similar arrangement pursuant to title XVIII or XIX of the Social Security Act (42 U.S.C. 1395 et seq.) or chapter 55 of title 10, United States Code.

(f) VETERANS CHOICE CARD.—

(1) IN GENERAL.—For purposes of receiving care and services under this section, the Secretary shall, not later than 90 days after the date of the enactment of this Act, issue to each veteran described in subsection (b)(1) a card that may be presented to a health care provider to facilitate the receipt of care or services under this section.

(2) NAME OF CARD.—Each card issued under paragraph (1) shall be known as a ''Veterans Choice Card''.

(3) DETAILS OF CARD.—Each Veterans Choice Card issued to a veteran under paragraph (1) shall include the following:

(A) The name of the veteran.

(B) An identification number for the veteran that is not the social security number of the veteran.

(C) The contact information of an appropriate office of the Department for health care providers to confirm that care or services under this section are authorized for the veteran.

(D) Contact information and other relevant information for the submittal of claims or bills for the furnishing of care or services under this section.

(E) The following statement: ''This card is for qualifying medical care outside the Department of Veterans Affairs. Please call the Department of Veterans Affairs phone number specified on this card to ensure that treatment has been authorized.''.

(4) INFORMATION ON USE OF CARD.—Upon issuing a Veterans Choice Card to a veteran, the Secretary shall provide the veteran with information clearly stating the circumstances under which the veteran may be eligible for care or services under this section.

(g) INFORMATION ON AVAILABILITY OF CARE.—The Secretary shall provide information to a veteran about the availability of care and services under this section in the following circumstances:

(1) In the case of a veteran described in subsection (b)(1)(B), when the veteran enrolls in the patient enrollment system of the Department under section 1705 of title 38, United States Code.

(2) When the veteran attempts to schedule an appointment for the receipt of hospital care or medical services from the Department but is unable to schedule an appointment within the wait-time goals of the Veterans Health Administration for the furnishing of such care or services.

(3) When the veteran becomes eligible for hospital care or medical services under this section under subparagraph (B), (C), or (D) of subsection (b)(2).

(h) FOLLOW-UP CARE.—In carrying out this section, the Secretary shall ensure that, at the election of an eligible veteran who receives hospital care or medical services from a health care provider in an episode of care under this section, the veteran receives such hospital care and medical services from such health care provider through the completion of the episode of care (but for a period not exceeding 60 days), including all specialty and ancillary services deemed necessary as part of the treatment recommended in the course of such hospital care or medical services.

(i) PROVIDERS.—To be eligible to furnish care or services under this section, a health care provider must—

(1) maintain at least the same or similar credentials and licenses as those credentials and licenses that are required of health care providers of the Department, as determined by the Secretary for purposes of this section; and

(2) submit, not less frequently than once each year during the period in which the Secretary is authorized to carry out this section pursuant to subsection (p), verification of such licenses and credentials maintained by such health care provider.

(j) COST-SHARING.—

(1) IN GENERAL.—The Secretary shall require an eligible veteran to pay a copayment for the receipt of care or services under this section only if such eligible veteran would be required to pay a copayment for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department pursuant to chapter 17 of title 38, United States Code.

(2) LIMITATION.—The amount of a copayment charged under paragraph (1) may not exceed the amount of the copayment that would be payable by such eligible veteran for the receipt of such care or services at a medical facility of the Department or from a health care provider of the Department pursuant to chapter 17 of title 38, United States Code.

(3) COLLECTION OF COPAYMENT.—A health care provider that furnishes care or services to an eligible veteran under this section shall collect the copayment required under paragraph (1) from such eligible veteran at the time of furnishing such care or services.

(k) CLAIMS PROCESSING SYSTEM.—

(1) IN GENERAL.—The Secretary shall provide for an efficient nationwide system for processing and paying bills or claims for authorized care and services furnished to eligible veterans under this section.

(2) REGULATIONS.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall prescribe regulations for the implementation of such system.

(3) OVERSIGHT.—The Chief Business Office of the Veterans Health Administration shall oversee the implementation and maintenance of such system.

(4) ACCURACY OF PAYMENT.—

(A) IN GENERAL.—The Secretary shall ensure that such system meets such goals for accuracy of payment as the Secretary shall specify for purposes of this section.

(B) QUARTERLY REPORT.—

(i) IN GENERAL.—The Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a quarterly report on the accuracy of such system.

(ii) ELEMENTS.—Each report required by clause (i) shall include the following:

(I) A description of the goals for accuracy for such system specified by the Secretary under subparagraph (A).

(II) An assessment of the success of the Department in meeting such goals during the quarter covered by the report.

(iii) DEADLINE.—The Secretary shall submit each report required by clause (i) not later than 20 days after the end of the quarter covered by the report.

(l) MEDICAL RECORDS.—

(1) IN GENERAL.—The Secretary shall ensure that any health care provider that furnishes care or services under this section to an eligible veteran submits to the Department any medical record related to the care or services provided to such eligible veteran by such health care provider for inclusion in the electronic medical record of such eligible veteran maintained by the Department upon the completion of the provision of such care or services to such eligible veteran.

(2) ELECTRONIC FORMAT.—Any medical record submitted to the Department under paragraph (1) shall, to the extent possible, be in an electronic format.

(m) TRACKING OF MISSED APPOINTMENTS.—The Secretary shall implement a mechanism to track any missed appointments for care or services under this section by eligible veterans to ensure that the Department does not pay for such care or services that were not furnished to an eligible veteran.

(n) IMPLEMENTATION.—Not later than 90 days after the date of the enactment of this Act, the Secretary shall prescribe interim final regulations on the implementation of this section and publish such regulations in the Federal Register.

(o) INSPECTOR GENERAL REPORT.—Not later than 30 days after the date on which the Secretary determines that 75 percent of the amounts deposited in the Veterans Choice Fund established by section 802 have been exhausted, the Inspector General of the Department shall submit to the Secretary a report on the results of an audit of the care and services furnished under this section to ensure the accuracy and timeliness of payments by the Department for the cost of such care and services, including any findings and recommendations of the Inspector General.

(p) AUTHORITY TO FURNISH CARE AND SERVICES.—

(1) IN GENERAL.—The Secretary may not use the authority under this section to furnish care and services after the date specified in paragraph (2).

(2) DATE SPECIFIED.—The date specified in this paragraph is the date on which the Secretary has exhausted all amounts deposited in the Veterans Choice Fund established by section 802, or the date that is three years after the date of the enactment of this Act, whichever occurs first.

(3) PUBLICATION.—The Secretary shall publish such date in the Federal Register and on an Internet website of the Department available to the public not later than 30 days before such date.

(q) REPORTS.—

(1) INITIAL REPORT.—Not later than 90 days after the publication of the interim final regulations under subsection (n), the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the furnishing of care and services under this section that includes the following:

(A) The number of eligible veterans who have received care or services under this section.

(B) A description of the types of care and services furnished to eligible veterans under this section.

(2) FINAL REPORT.—Not later than 30 days after the date on which the Secretary determines that 75 percent of the amounts deposited in the Veterans Choice Fund established by section 802 have been exhausted, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the furnishing of care and services under this section that includes the following:

(A) The total number of eligible veterans who have received care or services under this section, disaggregated by—

(i) eligible veterans described in subsection (b)(2)(A);

(ii) eligible veterans described in subsection (b)(2)(B);

(iii) eligible veterans described in subsection (b)(2)(C); and

(iv) eligible veterans described in subsection (b)(2)(D).

(B) A description of the types of care and services furnished to eligible veterans under this section.

(C) An accounting of the total cost of furnishing care and services to eligible veterans under this section.

(D) The results of a survey of eligible veterans who have received care or services under this section on the satisfaction of such eligible veterans with the care or services received by such eligible veterans under this section.

(E) An assessment of the effect of furnishing care and services under this section on wait times for appointments for the receipt of hospital care and medical services from the Department.

(F) An assessment of the feasibility and advisability of continuing furnishing care and services under this section after the termination date specified in subsection (p).

(r) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to alter the process of the Department for filling and paying for prescription medications.

(s) WAIT-TIME GOALS OF THE VETERANS HEALTH ADMINISTRATION.—

(1) IN GENERAL.—Except as provided in paragraph (2), in this section, the term ''wait-time goals of the Veterans Health Administration'' means not more than 30 days from the date on which a veteran requests an appointment for hospital care or medical services from the Department.

(2) ALTERNATE GOALS.—If the Secretary submits to Congress, not later than 60 days after the date of the enactment of this Act, a report stating that the actual wait-time goals of the Veterans Health Administration are different from the wait-time goals specified in paragraph (1)—

(A) for purposes of this section, the wait-time goals of the Veterans Health Administration shall be the wait-time goals submitted by the Secretary under this paragraph; and

(B) the Secretary shall publish such wait-time goals in the Federal Register and on an Internet website of the Department available to the public.

SEC. 102. ENHANCEMENT OF COLLABORATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND INDIAN HEALTH SERVICE.

(a) OUTREACH TO TRIBAL-RUN MEDICAL FACILITIES.—The Secretary of Veterans Affairs shall, in consultation with the Director of the Indian Health Service, conduct outreach to each medical facility operated by an Indian tribe or tribal organization through a contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.) to raise awareness of the ability of such facilities, Indian tribes, and tribal organizations to enter into agreements with the Department of Veterans Affairs under which the Secretary reimburses such facilities, Indian tribes, or tribal organizations, as the case may be, for health care provided to veterans who are—

(1) eligible for health care at such facilities; and

(2)(A) enrolled in the patient enrollment system of the Department established and operated under section 1705 of title 38, United States Code; or

(B) eligible for hospital care and medical services pursuant to subsection (c)(2) of such section.

(b) PERFORMANCE METRICS FOR MEMORANDUM OF UNDERSTANDING.—The Secretary of Veterans Affairs shall establish performance metrics for assessing the performance by the Department of Veterans Affairs and the Indian Health Service under the memorandum of understanding entitled ''Memorandum of Understanding between the Department of Veterans Affairs (VA) and the Indian Health Service (IHS)'' in increasing access to health care, improving quality and coordination of health care, promoting effective patient-centered collaboration and partnerships between the Department and the Service, and ensuring health-promotion and disease-prevention services are appropriately funded and available for beneficiaries under both health care systems.

(c) REPORT.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs and the Director of the Indian Health Service shall jointly submit to Congress a report on the feasibility and advisability of the following:

(1) Entering into agreements for the reimbursement by the Secretary of the costs of direct care services provided through organizations receiving amounts pursuant to grants made or contracts entered into under section 503 of the Indian Health Care Improvement Act (25 U.S.C. 1653) to veterans who are otherwise eligible to receive health care from such organizations.

(2) Including the reimbursement of the costs of direct care services provided to veterans who are not Indians in agreements between the Department and the following:

(A) The Indian Health Service.

(B) An Indian tribe or tribal organization operating a medical facility through a contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(C) A medical facility of the Indian Health Service.

(d) DEFINITIONS.—In this section:

(1) INDIAN.—The terms ''Indian'' and ''Indian tribe'' have the meanings given those terms in section 4 of the Indian Health Care Improvement Act (25 U.S.C. 1603).

(2) MEDICAL FACILITY OF THE INDIAN HEALTH SERVICE.—The term ''medical facility of the Indian Health Service'' includes a facility operated by an Indian tribe or tribal organization through a contract or compact with the Indian Health Service under the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450 et seq.).

(3) TRIBAL ORGANIZATION.—The term ''tribal organization'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b).

SEC. 103. ENHANCEMENT OF COLLABORATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND NATIVE HAWAIIAN HEALTH CARE SYSTEMS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall, in consultation with Papa Ola

Lokahi and such other organizations involved in the delivery of health care to Native Hawaiians as the Secretary considers appropriate, enter into contracts or agreements with Native Hawaiian health care systems that are in receipt of funds from the Secretary of Health and Human Services pursuant to grants awarded or contracts entered into under section 6(a) of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11705(a)) for the reimbursement of direct care services provided to eligible veterans as specified in such contracts or agreements.

(b) DEFINITIONS.—In this section, the terms ''Native Hawaiian'', ''Native Hawaiian health care system'', and ''Papa Ola Lokahi'' have the meanings given those terms in section 12 of the Native Hawaiian Health Care Improvement Act (42 U.S.C. 11711).

SEC. 104. REAUTHORIZATION AND MODIFICATION OF PILOT PROGRAM OF ENHANCED CONTRACT CARE AUTHORITY FOR HEALTH CARE NEEDS OF VETERANS.

Section 403 of the Veterans' Mental Health and Other Care Improvements Act of 2008 (Public Law 110–387; 38 U.S.C. 1703 note) is amended—

(1) in subsection (a)—

(A) in paragraph (3), by striking ''only during the'' and all that follows through the period at the end and inserting ''only during the period beginning on the date of the commencement of the pilot program under paragraph (2) and ending on the date that is two years after the date of the enactment of the Veterans Access, Choice, and Accountability Act of 2014.''; and

(B) by amending paragraph (4) to read as follows:

''(4) PROGRAM LOCATIONS.—The Secretary shall carry out the pilot program at locations in the following Veterans Integrated Service Networks (and such other locations as the Secretary considers appropriate):

''(A) Veterans Integrated Service Network 1.

''(B) Veterans Integrated Service Network 6.

''(C) Veterans Integrated Service Network 15.

''(D) Veterans Integrated Service Network 18.

''(E) Veterans Integrated Service Network 19.'';

(2) in subsection (b)(1)(A), by striking ''as of the date of the commencement of the pilot program under subsection (a)(2)'' and inserting ''as of August 1, 2014'';

(3) by redesignating subsection (h) as subsection (k);

(4) by inserting after subsection (g) the following new subsections:

''(h) APPOINTMENTS.—In carrying out the pilot program under this section, the Secretary shall ensure that medical appointments for covered veterans—

''(1) are scheduled not later than 5 days after the date on which the appointment is requested; and

''(2) occur not later than 30 days after such date.

''(i) OUTREACH.—The Secretary shall ensure that covered veterans are informed about the pilot program under this section.

''(j) USE OF EXISTING CONTRACTS.—In carrying out the pilot program under this section after the date of the enactment of the Veterans Access, Choice, and Accountability Act of 2014, the Secretary shall make use of contracts entered into before such date or may enter into new contracts.''; and

(5) in paragraph (2)(B) of subsection (k), as redesignated by paragraph (3) of this section, by striking the semicolon at the end and inserting ''; and''.

SEC. 105. PROMPT PAYMENT BY DEPARTMENT OF VETERANS AFFAIRS.

(a) SENSE OF CONGRESS ON PROMPT PAYMENT BY DEPARTMENT.—It is the sense of Congress that the Secretary of Veterans Affairs shall comply with section 1315 of title 5, Code of Federal Regulations (commonly known as the ''prompt payment rule''), or any corresponding similar regulation or ruling, in paying for health care pursuant to contracts entered into with non-Department of Veterans Affairs providers to provide health care under the laws administered by the Secretary.

(b) ESTABLISHMENT OF CLAIMS PROCESSING SYSTEM.—

(1) CLAIMS PROCESSING SYSTEM.—The Secretary of Veterans Affairs shall establish and implement a system to process and pay claims for payment for hospital care, medical services, and other health care furnished by non-Department of Veterans Affairs health care providers under the laws administered by the Secretary.

(2) COMPLIANCE WITH PROMPT PAYMENT ACT.—The system established and implemented under paragraph (1) shall comply with all requirements of chapter 39, United States Code (commonly referred to as the ''Prompt Payment Act'').

(c) REPORT.—Not later than one year after the date of the enactment of this Act, the Comptroller General of the United States shall submit to Congress a report on the timeliness of payments by the Secretary for hospital care, medical services, and other health care furnished by non-Department of Veterans Affairs health care providers under the laws administered by the Secretary.

(d) ELEMENTS.—The report required by subsection (b) shall include the following:

(1) The results of a survey of non-Department health care providers who have submitted claims to the Department for hospital care, medical services, or other health care furnished to veterans for which payment is authorized under the laws administered by the Secretary during the one-year period preceding the submittal of the report, which survey shall include the following:

(A) The amount of time it took for such health care providers, after submitting such claims, to receive payment from the Department for such care or services.

(B) A comparison of the amount of time under subparagraph (A) and the amount of time it takes such health care providers to receive payments from the United States for similar care or services provided to the following, if applicable:

(i) Beneficiaries under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(ii) Covered beneficiaries under the TRICARE program under chapter 55 of title 10, United States Code.

(2) Such recommendations for legislative or administrative action as the Comptroller General considers appropriate.

(e) SURVEY ELEMENTS.—In carrying out the survey, the Comptroller General shall seek responses from non-Department health care providers in a manner that ensures that the survey reflects the responses of such providers that—

(1) are located in different geographic areas;

(2) furnish a variety of different hospital care, medical services, and other health care; and

(3) furnish such care and services in a variety of different types of medical facilities.

SEC. 106. TRANSFER OF AUTHORITY FOR PAYMENTS FOR HOSPITAL CARE, MEDICAL SERVICES, AND OTHER HEALTH CARE FROM NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS TO THE CHIEF BUSINESS OFFICE OF THE VETERANS HEALTH ADMINISTRATION.

(a) TRANSFER OF AUTHORITY.—

(1) IN GENERAL.—Effective as of October 1, 2014, the Secretary of Veterans Affairs shall transfer the authority to pay for hospital care, medical services, and other health care furnished through non-Department of Veterans Affairs providers from—

(A) the Veterans Integrated Service Networks and medical centers of the Department of Veterans Affairs, to

(B) the Chief Business Office of the Veterans Health Administration of the Department of Veterans Affairs.

(2) MANNER OF CARE.—The Chief Business Office shall work in consultation with the Office of Clinical Operations and Management of the Department to ensure that care and services described in paragraph (1) are provided in a manner that is clinically appropriate and in the best interest of the veterans receiving such care and services.

(3) NO DELAY IN PAYMENT.—The transfer of authority under paragraph (1) shall be carried out in a manner that does not delay or impede any payment by the Department for hospital care, medical services, or other health care furnished through a non-Department provider under the laws administered by the Secretary.

(b) BUDGET MATTERS.—The budget of the Department of Veterans Affairs for any fiscal year beginning after the date of the enactment of this Act (as submitted to Congress pursuant to section 1105(a) of title 31, United States Code) shall specify funds for the payment for hospital care, medical services, and other health care furnished through non-Department of Veterans Affairs providers, including any administrative costs associated with such payment, as funds for the Chief Business Office of the Veterans Health Administration rather than as funds for the Veterans Integrated Service Networks or medical centers of the Department.

TITLE II—HEALTH CARE ADMINISTRATIVE MATTERS

SEC. 201. INDEPENDENT ASSESSMENT OF THE HEALTH CARE DELIVERY SYSTEMS AND MANAGEMENT PROCESSES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) INDEPENDENT ASSESSMENT.—

(1) ASSESSMENT.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into one or more contracts with a private sector entity or entities described in subsection (b) to conduct an independent assessment of the hospital care, medical services, and other health care furnished in medical facilities of the Department. Such assessment shall address each of the following:

(A) Current and projected demographics and unique health care needs of the patient population served by the Department.

(B) Current and projected health care capabilities and resources of the Department, including hospital care, medical services, and other health care furnished by non-Department facilities under contract with the Department, to provide timely and accessible care to veterans.

(C) The authorities and mechanisms under which the Secretary may furnish hospital care, medical services, and other health care at non-Department facilities, including whether the Secretary should have the authority to furnish such care and services at such facilities through the completion of episodes of care.

(D) The appropriate system-wide access standard applicable to hospital care, medical services, and other health care furnished by and through the Department, including an identification of appropriate access standards for each individual specialty and post-care rehabilitation.

(E) The workflow process at each medical facility of the Department for scheduling appointments for veterans to receive hospital care, medical services, or other health care from the Department.

(F) The organization, workflow processes, and tools used by the Department to support clinical staffing, access to care, effective length-of-stay management and care transitions, positive patient experience, accurate documentation, and subsequent coding of inpatient services.

(G) The staffing level at each medical facility of the Department and the productivity of each health care provider at such medical facility, compared with health care industry performance metrics, which may include an assessment of any of the following:

(i) The case load of, and number of patients treated by, each health care provider at such medical facility during an average week.

(ii) The time spent by such health care provider on matters other than the case load of such health care provider, including time spent by such health care provider as follows:

(I) At a medical facility that is affiliated with the Department.

(II) Conducting research.

(III) Training or supervising other health care professionals of the Department.

(H) The information technology strategies of the Department with respect to furnishing and managing health care, including an identification of any weaknesses and opportunities with respect to the technology used by the Department, especially those strategies with respect to clinical documentation of episodes of hospital care, medical services, and other health care, including any clinical images and associated textual reports, furnished by the Department in Department or non-Department facilities.

(I) Business processes of the Veterans Health Administration, including processes relating to furnishing non-Department health care, insurance identification, third-party revenue collection, and vendor reimbursement, including an identification of mechanisms as follows:

(i) To avoid the payment of penalties to vendors.

(ii) To increase the collection of amounts owed to the Department for hospital care, medical services, or other health care provided by the Department for which reimbursement from a third party is authorized and to ensure that such amounts collected are accurate.

(iii) To increase the collection of any other amounts owed to the Department with respect to hospital care, medical services, and other health care and to ensure that such amounts collected are accurate.

(iv) To increase the accuracy and timeliness of Department payments to vendors and providers.

(J) The purchasing, distribution, and use of pharmaceuticals, medical and surgical supplies, medical devices, and health care related services by the Department, including the following:

(i) The prices paid for, standardization of, and use by the Department of the following:

(I) Pharmaceuticals.

(II) Medical and surgical supplies.

(III) Medical devices.

(ii) The use by the Department of group purchasing arrangements to purchase pharmaceuticals, medical and surgical supplies, medical devices, and health care related services.

(iii) The strategy and systems used by the Department to distribute pharmaceuticals, medical and surgical supplies, medical devices, and health care related services to Veterans Integrated Service Networks and medical facilities of the Department.

(K) The process of the Department for carrying out construction and maintenance projects at medical facilities of the Department and the medical facility leasing program of the Department.

(L) The competency of leadership with respect to culture, accountability, reform readiness, leadership development, physician alignment, employee engagement, succession planning, and performance management.

(2) PARTICULAR ELEMENTS OF CERTAIN ASSESSMENTS.—

(A) SCHEDULING ASSESSMENT.—In carrying out the assessment required by paragraph (1)(E), the private sector entity or entities shall do the following:

(i) Review all training materials pertaining to scheduling of appointments at each medical facility of the Department.

(ii) Assess whether all employees of the Department conducting tasks related to scheduling are properly trained for conducting such tasks.

(iii) Assess whether changes in the technology or system used in scheduling appointments are necessary to limit access to the system to only those employees that have been properly trained in conducting such tasks.

(iv) Assess whether health care providers of the Department are making changes to their schedules that hinder the ability of employees conducting such tasks to perform such tasks.

(v) Assess whether the establishment of a centralized call center throughout the Department for scheduling appointments at medical facilities of the Department would improve the process of scheduling such appointments.

(vi) Assess whether booking templates for each medical facility or clinic of the Department would improve the process of scheduling such appointments.

(vii) Assess any interim technology changes or attempts by Department to internally develop a long-term scheduling solutions with respect to the feasibility and cost effectiveness of such internally developed solutions compared to commercially available solutions.

(viii) Recommend actions, if any, to be taken by the Department to improve the process for scheduling such appointments, including the following:

(I) Changes in training materials provided to employees of the Department with respect to conducting tasks related to scheduling such appointments.

(II) Changes in monitoring and assessment conducted by the Department of wait times of veterans for such appointments.

(III) Changes in the system used to schedule such appointments, including changes to improve how the Department—

(aa) measures wait times of veterans for such appointments;

(bb) monitors the availability of health care providers of the Department; and

(cc) provides veterans the ability to schedule such appointments.

(IV) Such other actions as the private sector entity or entities considers appropriate.

(B) MEDICAL CONSTRUCTION AND MAINTENANCE PROJECT AND LEASING PROGRAM ASSESSMENT.—In carrying out the assessment required by paragraph (1)(K), the private sector entity or entities shall do the following:

(i) Review the process of the Department for identifying and designing proposals for construction and maintenance projects at medical facilities of the Department and leases for medical facilities of the Department.

(ii) Assess the process through which the Department determines the following:

(I) That a construction or maintenance project or lease is necessary with respect to a medical facility or proposed medical facility of the Department.

(II) The proper size of such medical facility or proposed medical facility with respect to treating veterans in the catchment area of such medical facility or proposed medical facility.

(iii) Assess the management processes of the Department with respect to the capital management programs of the Department, including processes relating to the methodology for construction and design of medical facilities of the Department, the management of projects relating to the construction and design of such facilities, and the activation of such facilities.

(iv) Assess the medical facility leasing program of the Department.

(3) TIMING.—The private sector entity or entities carrying out the assessment required by paragraph (1) shall complete such assessment not later than 240 days after entering into the contract described in such paragraph.

(b) PRIVATE SECTOR ENTITIES DESCRIBED.—A private entity described in this subsection is a private entity that—

(1) has experience and proven outcomes in optimizing the performance of the health care delivery systems of the Veterans Health Administration and the private sector and in health care management; and

(2) specializes in implementing large-scale organizational and cultural transformations, especially with respect to health care delivery systems.

(c) PROGRAM INTEGRATOR.—

(1) IN GENERAL.—If the Secretary enters into contracts with more than one private sector entity under subsection (a), the Secretary shall designate one such entity that is predominately a health care organization as the program integrator.

(2) RESPONSIBILITIES.—The program integrator designated pursuant to paragraph (1) shall be responsible for coordinating the outcomes of the assessments conducted by the private entities pursuant to such contracts.

(d) REPORT ON ASSESSMENT.—

(1) IN GENERAL.—Not later than 60 days after completing the assessment required by subsection (a), the private sector entity or entities carrying out such assessment shall submit to the Secretary of Veterans Affairs, the Committee on Veterans' Affairs of the Senate, the Committee on Veterans' Affairs of the House of Representatives, and the Commission on Care established under section 202 a report on the findings and recommendations of the private sector entity or entities with respect to such assessment.

(2) PUBLICATION.—Not later than 30 days after receiving the report under paragraph (1), the Secretary shall publish such report in the Federal Register and on an Internet website of the Department of Veterans Affairs that is accessible to the public.

(e) NON-DEPARTMENT FACILITIES DEFINED.—In this section, the term ''non-Department facilities'' has the meaning given that term in section 1701 of title 38, United States Code.

SEC. 202. COMMISSION ON CARE.

(a) ESTABLISHMENT OF COMMISSION.—

(1) IN GENERAL.—There is established a commission, to be known as the ''Commission on Care'' (in this section referred to as the ''Commission''), to examine the access of veterans to health care from the Department of Veterans Affairs and strategically examine how best to organize the Veterans Health Administration, locate health care resources, and deliver health care to veterans during the 20-year period beginning on the date of the enactment of this Act.

(2) MEMBERSHIP.—

(A) VOTING MEMBERS.—The Commission shall be composed of 15 voting members who are appointed as follows:

(i) Three members appointed by the Speaker of the House of Representatives, at least one of whom shall be a veteran.

(ii) Three members appointed by the Minority Leader of the House of Representatives, at least one of whom shall be a veteran.

(iii) Three members appointed by the Majority Leader of the Senate, at least one of whom shall be a veteran.

(iv) Three members appointed by the Minority Leader of the Senate, at least one of whom shall be a veteran.

(v) Three members appointed by the President, at least two of whom shall be veterans.

(B) QUALIFICATIONS.—Of the members appointed under subparagraph (A)—

(i) at least one member shall represent an organization recognized by the Secretary of Veterans Affairs for the representation of veterans under section 5902 of title 38, United States Code;

(ii) at least one member shall have experience as senior management for a private integrated health care system with an annual gross revenue of more than $50,000,000;

(iii) at least one member shall be familiar with government health care systems, including those systems of the Department of Defense, the Indian Health Service, and Federally-qualified health centers (as defined in section 1905(l)(2)(B) of the Social Security Act (42 U.S.C. 1396d(l)(2)(B)));

(iv) at least one member shall be familiar with the Veterans Health Administration but shall not be currently employed by the Veterans Health Administration; and

(v) at least one member shall be familiar with medical facility construction and leasing projects carried out by government entities and have experience in the building trades, including construction, engineering, and architecture.

(C) DATE.—The appointments of members of the Commission shall be made not later than one year after the date of the enactment of this Act.

(3) PERIOD OF APPOINTMENT.—

(A) IN GENERAL.—Members shall be appointed for the life of the Commission.

(B) VACANCIES.—Any vacancy in the Commission shall not affect its powers, but shall be filled in the same manner as the original appointment.

(4) INITIAL MEETING.—Not later than 15 days after the date on which eight voting members of the Commission have been appointed, the Commission shall hold its first meeting.

(5) MEETINGS.—The Commission shall meet at the call of the Chairperson.

(6) QUORUM.—A majority of the members of the Commission shall constitute a quorum, but a lesser number of members may hold hearings.

(7) CHAIRPERSON AND VICE CHAIRPERSON.—The President shall designate a member of the commission to serve as Chairperson of the Commission. The Commission shall select a Vice Chairperson from among its members.

(b) DUTIES OF COMMISSION.—

(1) EVALUATION AND ASSESSMENT.—The Commission shall undertake a comprehensive evaluation and assessment of access to health care at the Department of Veterans Affairs.

(2) MATTERS EVALUATED AND ASSESSED.—In undertaking the comprehensive evaluation and assessment required by paragraph (1), the Commission shall evaluate and assess the results of the assessment conducted by the private sector entity or entities under section 201, including any findings, data, or recommendations included in such assessment.

(3) REPORTS.—The Commission shall submit to the President, through the Secretary of Veterans Affairs, reports as follows:

(A) Not later than 90 days after the date of the initial meeting of the Commission, an interim report on—

(i) the findings of the Commission with respect to the evaluation and assessment required by this subsection; and

(ii) such recommendations as the Commission may have for legislative or administrative action to improve access to health care through the Veterans Health Administration.

(B) Not later than 180 days after the date of the initial meeting of the Commission, a final report on—

(i) the findings of the Commission with respect to the evaluation and assessment required by this subsection; and

(ii) such recommendations as the Commission may have for legislative or administrative action to improve access to health care through the Veterans Health Administration.

(c) POWERS OF THE COMMISSION.—

(1) HEARINGS.—The Commission may hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers advisable to carry out this section.

(2) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any Federal agency such information as the Commission considers necessary to carry out this section. Upon request of the Chairperson of the Commission, the head of such agency shall furnish such information to the Commission.

(d) COMMISSION PERSONNEL MATTERS.—

(1) COMPENSATION OF MEMBERS.—

(A) IN GENERAL.—Each member of the Commission who is not an officer or employee of the Federal Government shall be compensated at a rate equal to the daily equivalent of the annual rate of basic pay prescribed for level IV of the Executive Schedule under section 5315 of title 5, United States Code, for each day (including travel time) during which such member is engaged in the performance of the duties of the Commission.

(B) OFFICERS OR EMPLOYEES OF THE UNITED STATES.—All members of the Commission who are officers or employees of the United States shall serve without compensation in addition to that received for their services as officers or employees of the United States.

(2) TRAVEL EXPENSES.—The members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for employees of agencies under subchapter I of chapter 57 of title 5, United States Code, while away from their homes or regular places of business in the performance of services for the Commission.

(3) STAFF.—

(A) IN GENERAL.—The Chairperson of the Commission may, without regard to the civil service laws and regulations, appoint and terminate an executive director and such other additional personnel as may be necessary to enable the Commission to perform its duties. The employment of an executive director shall be subject to confirmation by the Commission.

(B) COMPENSATION.—The Chairperson of the Commission may fix the compensation of the executive director and other personnel without regard to chapter 51 and subchapter III of chapter 53 of title 5, United States Code, relating to classification of positions and General Schedule pay rates, except that the rate of pay for the executive director and other personnel may not exceed the rate payable for level V of the Executive Schedule under section 5316 of such title.

(4) DETAIL OF GOVERNMENT EMPLOYEES.—Any Federal Government employee may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(5) PROCUREMENT OF TEMPORARY AND INTERMITTENT SERVICES.—The Chairperson of the Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, at rates for individuals that do not exceed the daily equivalent of the annual rate of basic pay prescribed for level V of the Executive Schedule under section 5316 of such title.

(e) TERMINATION OF THE COMMISSION.—The Commission shall terminate 30 days after the date on which the Commission submits the report under subsection (b)(3)(B).

(f) FUNDING.—The Secretary of Veterans Affairs shall make available to the Commission from amounts appropriated or otherwise made available to the Secretary such amounts as the Secretary and the Chairperson of the Commission jointly consider appropriate for the Commission to perform its duties under this section.

(g) EXECUTIVE ACTION.—

(1) ACTION ON RECOMMENDATIONS.—The President shall require the Secretary of Veterans Affairs and such other heads of relevant Federal departments and agencies to implement each recommendation set forth in a report submitted under subsection (b)(3) that the President—

(A) considers feasible and advisable; and

(B) determines can be implemented without further legislative action.

(2) REPORTS.—Not later than 60 days after the date on which the President receives a report under subsection (b)(3), the President shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives and such other committees of Congress as the President considers appropriate a report setting forth the following:

(A) An assessment of the feasibility and advisability of each recommendation contained in the report received by the President.

(B) For each recommendation assessed as feasible and advisable under subparagraph (A) the following:

(i) Whether such recommendation requires legislative action.

(ii) If such recommendation requires legislative action, a recommendation concerning such legislative action.

(iii) A description of any administrative action already taken to carry out such recommendation.

(iv) A description of any administrative action the President intends to be taken to carry out such recommendation and by whom.

SEC. 203. TECHNOLOGY TASK FORCE ON REVIEW OF SCHEDULING SYSTEM AND SOFTWARE OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) TASK FORCE REVIEW.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall, through the use of a technology task force, conduct a review of the needs of the Department of Veterans Affairs with respect to the scheduling system and scheduling software of the Department of Veterans Affairs that is used by the Department to schedule appointments for veterans for hospital care, medical services, and other health care from the Department.

(2) AGREEMENT.—

(A) IN GENERAL.—The Secretary shall seek to enter into an agreement with a technology organization or technology organizations to carry out the review required by paragraph (1).

(B) PROHIBITION ON USE OF FUNDS.—Notwithstanding any other provision of law, no Federal funds may be used to assist the technology organization or technology organizations under subparagraph (A) in carrying out the review required by paragraph (1).

(b) REPORT.—

(1) IN GENERAL.—Not later than 45 days after the date of the enactment of this Act, the technology task force required under subsection (a)(1) shall submit to the Secretary, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a report setting forth the findings and recommendations of the technology task force regarding the needs of the Department with respect to the scheduling system and scheduling software of the Department described in such subsection.

(2) ELEMENTS.—The report required by paragraph (1) shall include the following:

(A) Proposals for specific actions to be taken by the Department to improve the scheduling system and scheduling software of the Department described in subsection (a)(1).

(B) A determination as to whether one or more existing off-the-shelf systems would—

(i) meet the needs of the Department to schedule appointments for veterans for hospital care, medical services, and other health care from the Department; and

(ii) improve the access of veterans to such care and services.

(3) PUBLICATION.—Not later than 30 days after the receipt of the report required by paragraph (1), the Secretary shall publish such report in the Federal Register and on an Internet website of the Department accessible to the public.

(c) IMPLEMENTATION OF TASK FORCE RECOMMENDATIONS.—Not later than one year after the receipt of the report required by subsection (b)(1), the Secretary shall implement the recommendations set forth in such report that the Secretary considers are feasible, advisable, and cost effective.

SEC. 204. IMPROVEMENT OF ACCESS OF VETERANS TO MOBILE VET CENTERS AND MOBILE MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IMPROVEMENT OF ACCESS.—

(1) IN GENERAL.—The Secretary of Veterans Affairs shall improve the access of veterans to telemedicine and other health care through the use of mobile vet centers and mobile medical centers of the Department of Veterans Affairs by providing standardized requirements for the operation of such centers.

(2) REQUIREMENTS.—The standardized requirements required by paragraph (1) shall include the following:

(A) The number of days each mobile vet center and mobile medical center of the Department is expected to travel per year.

(B) The number of locations each center is expected to visit per year.

(C) The number of appointments each center is expected to conduct per year.

(D) The method and timing of notifications given by each center to individuals in the area to which the center is traveling, including notifications informing veterans of the availability to schedule appointments at the center.

(3) USE OF TELEMEDICINE.—The Secretary shall ensure that each mobile vet center and mobile medical center of the Department has the capability to provide telemedicine services.

(b) REPORTS.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, and not later than September 30 each year thereafter, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on access to health care through the use of mobile vet centers and mobile medical centers of the Department that includes statistics on each of the requirements set forth in subsection (a)(2) for the year covered by the report.

(2) ELEMENTS.—Each report required by paragraph (1) shall include the following:

(A) A description of the use of mobile vet centers and mobile medical centers to provide telemedicine services to veterans during the year preceding the submittal of the report, including the following:

(i) The number of days each mobile vet center and mobile medical center was open to provide such services.

(ii) The number of days each center traveled to a location other than the headquarters of the center to provide such services.

(iii) The number of appointments each center conducted to provide such services on average per month and in total during such year.

(B) An analysis of the effectiveness of using mobile vet centers and mobile medical centers to provide health care services to veterans through the use of telemedicine.

(C) Any recommendations for an increase in the number of mobile vet centers and mobile medical centers of the Department.

(D) Any recommendations for an increase in the telemedicine capabilities of each mobile vet center and mobile medical center.

(E) The feasibility and advisability of using temporary health care providers, including locum tenens, to provide direct health care services to veterans at mobile vet centers and mobile medical centers.

(F) Such other recommendations on improvement of the use of mobile vet centers and mobile medical centers by the Department as the Secretary considers appropriate.

SEC. 205. IMPROVED PERFORMANCE METRICS FOR HEALTH CARE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) PROHIBITION ON USE OF SCHEDULING AND WAIT-TIME METRICS IN DETERMINATION OF PERFORMANCE AWARDS.—The Secretary of Veterans Affairs shall ensure that scheduling and wait-time metrics or goals are not used as factors in determining the performance of the following employees for purposes of determining whether to pay performance awards to such employees:

(1) Directors, associate directors, assistant directors, deputy directors, chiefs of staff, and clinical leads of medical centers of the Department of Veterans Affairs.

(2) Directors, assistant directors, and quality management officers of Veterans Integrated Service Networks of the Department of Veterans Affairs.

(b) MODIFICATION OF PERFORMANCE PLANS.—

(1) IN GENERAL.—Not later than 30 days after the date of the enactment of this Act, the Secretary shall modify the performance plans of the directors of the medical centers of the Department and the directors of the Veterans Integrated Service Networks to ensure that such plans are based on the quality of care received by veterans at the health care facilities under the jurisdictions of such directors.

(2) FACTORS.—In modifying performance plans under paragraph (1), the Secretary shall ensure that assessment of the quality of care provided at health care facilities under the jurisdiction of a director described in paragraph (1) includes consideration of the following:

(A) Recent reviews by the Joint Commission (formerly known as the ''Joint Commission on Accreditation of Healthcare Organizations'') of such facilities.

(B) The number and nature of recommendations concerning such facilities by the Inspector General of the Department in reviews conducted through the Combined Assessment Program, in the reviews by the Inspector General of community-based outpatient clinics and primary care clinics, and in reviews conducted through the Office of Healthcare Inspections during the two most recently completed fiscal years.

(C) The number of recommendations described in subparagraph (B) that the Inspector General of the Department determines have not been carried out satisfactorily with respect to such facilities.

(D) Reviews of such facilities by the Commission on Accreditation of Rehabilitation Facilities.

(E) The number and outcomes of administrative investigation boards, root cause analyses, and peer reviews conducted at such facilities during the fiscal year for which the assessment is being conducted.

(F) The effectiveness of any remedial actions or plans resulting from any Inspector General recommendations in the reviews and analyses described in subparagraphs (A) through (E).

(3) ADDITIONAL LEADERSHIP POSITIONS.—To the degree practicable, the Secretary shall assess the performance of other employees of the Department in leadership positions at Department medical centers, including associate directors, assistant directors, deputy directors, chiefs of staff, and clinical leads, and in Veterans Integrated Service Networks, including assistant directors and quality management officers, using factors and criteria similar to those used in the performance plans modified under paragraph (1).

(c) REMOVAL OF CERTAIN PERFORMANCE GOALS.—For each fiscal year that begins after the date of the enactment of this Act, the Secretary shall not include in the performance goals of any employee of a Veterans Integrated Service Network or medical center of the Department any performance goal that might disincentivize the payment of Department amounts to provide hospital care, medical services, or other health care through a non-Department provider.

SEC. 206. IMPROVED TRANSPARENCY CONCERNING HEALTH CARE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS.

(a) PUBLICATION OF WAIT TIMES.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall publish in the Federal Register, and on a publicly accessible Internet website of each medical center of the Department of Veterans Affairs, the wait-times for the scheduling of an appointment in each Department facility by a veteran for the receipt of primary care, specialty care, and hospital care and medical services based on the general severity of the condition of the veteran. Whenever the wait-times for the scheduling of such an appointment changes, the Secretary shall publish the revised wait-times—

(1) on a publicly accessible Internet website of each medical center of the Department by not later than 30 days after such change; and

(2) in the Federal Register by not later than 90 days after such change.

(b) PUBLICLY AVAILABLE DATABASE OF PATIENT SAFETY, QUALITY OF CARE, AND OUTCOME MEASURES.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary shall develop and make available to the public a comprehensive database containing all applicable patient safety, quality of care, and outcome measures for health care provided by the Department that are tracked by the Secretary.

(2) UPDATE FREQUENCY.—The Secretary shall update the database required by paragraph (1) not less frequently than once each year.

(3) UNAVAILABLE MEASURES.—For all measures that the Secretary would otherwise publish in the database required by paragraph (1) but has not done so because such measures are not available, the Secretary shall publish notice in the database of the reason for such unavailability and a timeline for making such measures available in the database.

(4) ACCESSIBILITY.—The Secretary shall ensure that the database required by paragraph (1) is accessible to the public through the primary Internet website of the Department and through each primary Internet website of a Department medical center.

(c) HOSPITAL COMPARE WEBSITE OF DEPARTMENT OF HEALTH AND HUMAN SERVICES.—

(1) AGREEMENT REQUIRED.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall enter into an agreement with the Secretary of Health and Human Services for the provision by the Secretary of Veterans Affairs of such information as the Secretary of Health and Human Services may require to report and make publicly available patient quality and outcome information concerning Department of Veterans Affairs medical centers through the Hospital Compare Internet website of the Department of Health and Human Services or any successor Internet website.

(2) INFORMATION PROVIDED.—The information provided by the Secretary of Veterans Affairs to the Secretary of Health and Human Services under paragraph (1) shall include the following:

(A) Measures of timely and effective health care.

(B) Measures of readmissions, complications of death, including with respect to 30-day mortality rates and 30-day readmission rates, surgical complication measures, and health care related infection measures.

(C) Survey data of patient experiences, including the Hospital Consumer Assessment of Healthcare Providers and Systems or any similar successor survey developed by the Department of Health and Human Services.

(D) Any other measures required of or reported with respect to hospitals participating in the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.).

(3) UNAVAILABLE INFORMATION.—For any applicable metric collected by the Department of Veterans Affairs or required to be provided under paragraph (2) and withheld from or unavailable in the Hospital Compare Internet website or any successor Internet website, the Secretary of Veterans Affairs shall publish a notice on such Internet website stating the reason why such metric was withheld from public disclosure and a timeline for making such metric available, if applicable.

(d) COMPTROLLER GENERAL REVIEW OF PUBLICLY AVAILABLE SAFETY AND QUALITY METRICS.—Not later than three years after the date of the enactment of this Act, the Comptroller General of the United States shall conduct a review of the safety and quality metrics made publicly available by the Secretary of Veterans Affairs under this section to assess the degree to which the Secretary is complying with the provisions of this section.

SEC. 207. INFORMATION FOR VETERANS ON THE CREDENTIALS OF DEPARTMENT OF VETERANS AFFAIRS PHYSICIANS.

(a) IMPROVEMENT OF ''OUR DOCTORS'' INTERNET WEBSITE LINKS.—

(1) AVAILABILITY THROUGH DEPARTMENT OF VETERANS AFFAIRS HOMEPAGE.—A link to the ''Our Doctors'' health care providers database

of the Department of Veterans Affairs, or any successor database, shall be available on and through the homepage of the Internet website of the Department that is accessible to the public.

(2) INFORMATION ON LOCATION OF RESIDENCY TRAINING.—The Internet website of the Department that is accessible to the public shall include under the link to the ''Our Doctors'' health care providers database of the Department, or any successor database, the name of the facility at which each licensed physician of the Department underwent residency training.

(3) INFORMATION ON PHYSICIANS AT PARTICULAR FACILITIES.—The ''Our Doctors'' health care providers database of the Department, or any successor database, shall identify whether each licensed physician of the Department is a physician in residency.

(b) INFORMATION ON CREDENTIALS OF PHYSICIANS FOR VETERANS UNDERGOING SURGICAL PROCEDURES.—

(1) IN GENERAL.—Each veteran who is undergoing a surgical procedure by or through the Department shall be provided information described in paragraph (2) with respect to the surgeon to be performing such procedure at such time in advance of the procedure as is appropriate to permit such veteran to evaluate such information.

(2) INFORMATION DESCRIBED.—The information described in this paragraph with respect to a surgeon described in paragraph (1) is as follows:

(A) The education and training of the surgeon.

(B) The licensure, registration, and certification of the surgeon by the State or national entity responsible for such licensure, registration, or certification.

(3) OTHER INDIVIDUALS.—If a veteran is unable to evaluate the information provided under paragraph (1) due to the health or mental competence of the veteran, such information shall be provided to an individual acting on behalf of the veteran.

(c) COMPTROLLER GENERAL REPORT AND PLAN.—

(1) REPORT.—Not later than two years after the date of the enactment of this Act, the Comptroller General of the United States shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report setting forth an assessment by the Comptroller General of the following:

(A) The manner in which contractors under the Patient-Centered Community Care initiative of the Department perform oversight of the credentials of physicians within the networks of such contractors under the initiative.

(B) The oversight by the Department of the contracts under the Patient-Centered Community Care initiative.

(C) The verification by the Department of the credentials and licenses of health care providers furnishing hospital care and medical services under section 101.

(2) PLAN.—

(A) IN GENERAL.—Not later than 30 days after the submittal of the report under paragraph (1), the Secretary shall submit to the Comptroller General, the Committee on Veterans' Affairs of the Senate, and the Committee on Veterans' Affairs of the House of Representatives a plan to address any findings and recommendations of the Comptroller General included in such report.

(B) IMPLEMENTATION.—Not later than 90 days after the submittal of the report under paragraph (1), the Secretary shall carry out such plan.

SEC. 208. INFORMATION IN ANNUAL BUDGET OF THE PRESIDENT ON HOSPITAL CARE AND MEDICAL SERVICES FURNISHED THROUGH EXPANDED USE OF CONTRACTS FOR SUCH CARE.

The materials on the Department of Veterans Affairs in the budget of the President for a fiscal year, as submitted to Congress pursuant to section 1105(a) of title 31, United States Code, shall set forth the following:

(1) The number of veterans who received hospital care and medical services under section 101 during the fiscal year preceding the fiscal year in which such budget is submitted.

(2) The amount expended by the Department on furnishing care and services under such section during the fiscal year preceding the fiscal year in which such budget is submitted.

(3) The amount requested in such budget for the costs of furnishing care and services under such section during the fiscal year covered by such budget, set forth in aggregate and by amounts for each account for which amounts are so requested.

(4) The number of veterans that the Department estimates will receive hospital care and medical services under such section during the fiscal years covered by the budget submission.

(5) The number of employees of the Department on paid administrative leave at any point during the fiscal year preceding the fiscal year in which such budget is submitted.

SEC. 209. PROHIBITION ON FALSIFICATION OF DATA CONCERNING WAIT TIMES AND QUALITY MEASURES AT DEPARTMENT OF VETERANS AFFAIRS.

Not later than 60 days after the date of the enactment of this Act, and in accordance with title 5, United States Code, the Secretary of Veterans Affairs shall establish policies whereby any employee of the Department of Veterans Affairs who knowingly submits false data concerning wait times for health care or quality measures with respect to health care to another employee of the Department or knowingly requires another employee of the Department to submit false data concerning such wait times or quality measures to another employee of the Department is subject to a penalty the Secretary considers appropriate after notice and an opportunity for a hearing, including civil penalties, unpaid suspensions, or termination.

TITLE III—HEALTH CARE STAFFING, RECRUITMENT, AND TRAINING MATTERS

SEC. 301. TREATMENT OF STAFFING SHORTAGE AND BIENNIAL REPORT ON STAFFING OF MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) STAFFING SHORTAGES.—

(1) IN GENERAL.—Subchapter I of chapter 74 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 7412. Annual determination of staffing shortages; recruitment and appointment for needed occupations

''(a) IN GENERAL.—Not later than September 30 of each year, the Inspector General of the Department shall determine, and the Secretary shall publish in the Federal Register, the five occupations of personnel of this title of the Department covered under section 7401 of this title for which there are the largest staffing shortages throughout the Department as calculated over the five-year period preceding the determination.

''(b) RECRUITMENT AND APPOINTMENT.—Notwithstanding sections 3304 and 3309 through 3318 of title 5, the Secretary may, upon a determination by the Inspector General under paragraph (1) that there is a staffing shortage throughout the Department with respect to a particular occupation, recruit and directly appoint, during the fiscal year after the fiscal year during which such determination is made, qualified personnel to serve in that particular occupation for the Department.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by inserting after the item relating to section 7411 the following new item:

''7412. Annual determination of staffing shortages; recruitment and appointment for needed occupations.''.

(3) DEADLINE FOR FIRST DETERMINATION.—Notwithstanding the deadline under section 7412 of title 38, United States Code, as added by paragraph (1), for the annual determination of staffing shortages in the Veterans Health Administration, the Inspector General of the Department of Veterans Affairs shall make the first determination required under such section, and the Secretary of Veterans Affairs shall publish in the Federal Register such determination, by not later than the date that is 180 days after the date of the enactment of this Act.

(b) INCREASE OF GRADUATE MEDICAL EDUCATION RESIDENCY POSITIONS.—

(1) IN GENERAL.—Section 7302 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(e)(1) In carrying out this section, the Secretary shall establish medical residency programs, or ensure that already established medical residency programs have a sufficient number of residency positions, at any medical facility of the Department that the Secretary determines—

''(A) is experiencing a shortage of physicians; and

''(B) is located in a community that is designated as a health professional shortage area (as defined in section 332 of the Public Health Service Act (42 U.S.C. 254e)).

''(2) In carrying out paragraph (1), the Secretary shall—

''(A) allocate the residency positions under such paragraph among occupations included in the most current determination published in the Federal Register pursuant to section 7412(a) of this title; and

''(B) give priority to residency positions and programs in primary care, mental health, and any other specialty the Secretary determines appropriate.''.

(2) FIVE-YEAR INCREASE.—

(A) IN GENERAL.—In carrying out section 7302(e) of title 38, United States Code, as added by paragraph (1), during the five-year period beginning on the day that is one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall increase the number of graduate medical education residency positions at medical facilities of the Department by up to 1,500 positions.

(B) PRIORITY.—In increasing the number of graduate medical education residency positions at medical facilities of the Department under subparagraph (A), the Secretary shall give priority to medical facilities that—

(i) as of the date of the enactment of this Act, do not have a medical residency program; and

(ii) are located in a community that has a high concentration of veterans.

(3) REPORT.—

(A) IN GENERAL.—Not later than 60 days after the date of the enactment of this Act, and not later than October 1 each year thereafter until 2019, the Secretary shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on graduate medical education residency positions at medical facilities of the Department.

(B) ELEMENTS.—Each report required by subparagraph (A) shall include the following:

(i) For the year preceding the submittal of the report, the number of graduate medical education residency positions at medical facilities of the Department as follows:

(I) That were filled.

(II) That were not filled.

(III) That the Department anticipated filling.

(ii) With respect to each graduate medical education residency position specified in clause (i)—

(I) the geographic location of each such position; and

(II) if such position was filled, the academic affiliation of the medical resident that filled such position.

(iii) The policy at each medical facility of the Department with respect to the ratio of medical residents to staff supervising medical residents.

(iv) During the one-year period preceding the submittal of the report, the number of individuals who declined an offer from the Department to serve as a medical resident at a medical facility of the Department and the reason why each such individual declined such offer.

(v) During the one-year period preceding the submittal of the report, a description of—

(I) challenges, if any, faced by the Department in filling graduate medical education residency positions at medical facilities of the Department; and

(II) actions, if any, taken by the Department to address such challenges.

(vi) A description of efforts of the Department, as of the date of the submittal of the report, to recruit and retain medical residents to work for the Veterans Health Administration as full-time employees.

(c) PRIORITY IN SCHOLARSHIP PROGRAM OF HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAM TO CERTAIN PROVIDERS.—Section 7612(b)(5) of title 38, United States Code, is amended—

(1) in subparagraph (A), by striking ''and'' at the end;

(2) by redesignating subparagraph (B) as subparagraph (C); and

(3) by inserting after subparagraph (A) the following new subparagraph (B):

''(B) shall give priority to applicants pursuing a course of education or training toward a career in an occupation for which the Inspector General of the Department has, in the most current determination published in the Federal Register pursuant to section 7412(a) of this title, determined that there is one of the largest staffing shortages throughout the Department with respect to such occupation; and''.

(d) REPORTS.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, and not later than December 31 of each even-numbered year thereafter until 2024, the Secretary of Veterans Affairs shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report assessing the staffing of each medical facility of the Department.

(2) ELEMENTS.—Each report submitted under paragraph (1) shall include the following:

(A) The results of a system-wide assessment of all medical facilities of the Department to ensure the following:

(i) Appropriate staffing levels for health care professionals to meet the goals of the Secretary for timely access to care for veterans.

(ii) Appropriate staffing levels for support personnel, including clerks.

(iii) Appropriate sizes for clinical panels.

(iv) Appropriate numbers of full-time staff, or full-time equivalents, dedicated to direct care of patients.

(v) Appropriate physical plant space to meet the capacity needs of the Department in that area.

(vi) Such other factors as the Secretary considers necessary.

(B) A plan for addressing any issues identified in the assessment described in subparagraph (A), including a timeline for addressing such issues.

(C) A list of the current wait times and workload levels for the following clinics in each medical facility:

(i) Mental health.

(ii) Primary care.

(iii) Gastroenterology.

(iv) Women's health.

(v) Such other clinics as the Secretary considers appropriate.

(D) A description of the results of the most current determination of the Inspector General under subsection (a) of section 7412 of title 38, United States Code, as added by subsection (a)(1) of this section, and a plan to use direct appointment authority under subsection (b) of such section 7412 to fill staffing shortages, including recommendations for improving the speed at which the credentialing and privileging process can be conducted.

(E) The current staffing models of the Department for the following clinics, including recommendations for changes to such models:

(i) Mental health.

(ii) Primary care.

(iii) Gastroenterology.

(iv) Women's health.

(v) Such other clinics as the Secretary considers appropriate.

(F) A detailed analysis of succession planning at medical facilities of the Department, including the following:

(i) The number of positions in medical facilities throughout the Department that are not filled by a permanent employee.

(ii) The length of time each position described in clause (i) remained vacant or filled by a temporary or acting employee.

(iii) A description of any barriers to filling the positions described in clause (i).

(iv) A plan for filling any positions that are vacant or filled by a temporary or acting employee for more than 180 days.

(v) A plan for handling emergency circumstances, such as administrative leave or sudden medical leave for senior officials.

(G) The number of health care providers of the Department who have been removed from their positions, have retired, or have left their positions for another reason, disaggregated by provider type, during the two-year period preceding the submittal of the report.

(H) Of the health care providers specified in subparagraph (G) who have been removed from their positions, the following:

(i) The number of such health care providers who were reassigned to other positions in the Department.

(ii) The number of such health care providers who left the Department.

(iii) The number of such health care providers who left the Department and were subsequently rehired by the Department.

SEC. 302. EXTENSION AND MODIFICATION OF CERTAIN PROGRAMS WITHIN THE DEPARTMENT OF VETERANS AFFAIRS HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAM.

(a) EXTENSION OF SCHOLARSHIP PROGRAM.—Section 7619 of title 38, United States Code, is amended by striking ''December 31, 2014'' and inserting ''December 31, 2019''.

(b) MODIFICATION OF EDUCATION DEBT REDUCTION PROGRAM.—

(1) MODIFICATION OF AMOUNT AND DURATION OF ELIGIBILITY.—Paragraph (1) of section 7683(d) of such title is amended—

(A) by striking ''$60,000'' and inserting ''$120,000''; and

(B) by striking ''$12,000 of such payments'' and all that follows through the period at the end and inserting ''$24,000 of such payments may be made in each year of participation in the Program''.

(2) ELIMINATION OF LIMITATION.—

(A) IN GENERAL.—Such section is further amended—

(i) by striking paragraph (2);

(ii) by redesignating paragraph (3) as paragraph (2); and

(iii) in paragraph (2), as redesignated by clause (ii), by striking ''paragraphs (1) and (2)'' and inserting ''paragraph (1)''.

(B) CONFORMING AMENDMENT.—Paragraph (1) of such section, as amended by paragraph (1), is further amended by striking ''Subject to paragraph (2), the amount'' and inserting ''The amount''.

SEC. 303. CLINIC MANAGEMENT TRAINING FOR EMPLOYEES AT MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) CLINIC MANAGEMENT TRAINING PROGRAM.—

(1) IN GENERAL.—Not later than 180 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall commence a role-specific clinic management training program to provide in-person, standardized education on systems and processes for health care practice management and scheduling to all appropriate employees, as determined by the Secretary, at medical facilities of the Department.

(2) ELEMENTS.—

(A) IN GENERAL.—The clinic management training program required by paragraph (1) shall include the following:

(i) Training on how to manage the schedules of health care providers of the Department, including the following:

(I) Maintaining such schedules in a manner that allows appointments to be booked at least eight weeks in advance.

(II) Proper planning procedures for vacation, leave, and graduate medical education training schedules.

(ii) Training on the appropriate number of appointments that a health care provider should conduct on a daily basis, based on specialty.

(iii) Training on how to determine whether there are enough available appointment slots to manage demand for different appointment types and mechanisms for alerting management of insufficient slots.

(iv) Training on how to properly use the appointment scheduling system of the Department, including any new scheduling system implemented by the Department.

(v) Training on how to optimize the use of technology, including the following:

(I) Telemedicine.

(II) Electronic mail.

(III) Text messaging.

(IV) Such other technologies as specified by the Secretary.

(vi) Training on how to properly use physical plant space at medical facilities of the Department to ensure efficient flow and privacy for patients and staff.

(B) ROLE-SPECIFIC.—The Secretary shall ensure that each employee of the Department included in the clinic management training program required by paragraph (1) receives education under such program that is relevant to the responsibilities of such employee.

(3) SUNSET.—The clinic management training program required by paragraph (1) shall terminate on the date that is two years after the date on which the Secretary commences such program.

(b) TRAINING MATERIALS.—

(1) IN GENERAL.—After the termination of the clinic management training program required by subsection (a), the Secretary shall provide training materials on health care management to each of the following employees of the Department that are relevant to the position and responsibilities of such employee upon the commencement of employment of such employee:

(A) Any manager of a medical facility of the Department.

(B) Any health care provider at a medical facility of the Department.

(C) Such other employees of the Department as the Secretary considers appropriate.

(2) UPDATE.—The Secretary shall regularly update the training materials required under paragraph (1).

TITLE IV—HEALTH CARE RELATED TO SEXUAL TRAUMA

SEC. 401. EXPANSION OF ELIGIBILITY FOR SEXUAL TRAUMA COUNSELING AND TREATMENT TO VETERANS ON INACTIVE DUTY TRAINING.

Section 1720D(a)(1) of title 38, United States Code, is amended by striking ''or active duty for training'' and inserting '', active duty for training, or inactive duty training''.

SEC. 402. PROVISION OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA BY THE DEPARTMENT OF VETERANS AFFAIRS TO MEMBERS OF THE ARMED FORCES.

(a) EXPANSION OF COVERAGE TO MEMBERS OF THE ARMED FORCES.—Subsection (a) of section

1720D of title 38, United States Code, is amended—

(1) by redesignating paragraph (2) as paragraph (3);

(2) by inserting after paragraph (1) the following new paragraph (2):

''(2)(A) In operating the program required by paragraph (1), the Secretary may, in consultation with the Secretary of Defense, provide counseling and care and services to members of the Armed Forces (including members of the National Guard and Reserves) on active duty to overcome psychological trauma described in that paragraph.

''(B) A member described in subparagraph (A) shall not be required to obtain a referral before receiving counseling and care and services under this paragraph.''; and

(3) in paragraph (3), as redesignated by paragraph (1)—

(A) by striking ''a veteran'' and inserting ''an individual''; and

(B) by striking ''that veteran'' each place it appears and inserting ''that individual''.

(b) INFORMATION TO MEMBERS ON AVAILABILITY OF COUNSELING AND SERVICES.—Subsection (c) of such section is amended—

(1) by striking ''to veterans'' each place it appears; and

(2) in paragraph (3), by inserting ''members of the Armed Forces and'' before ''individuals''.

(c) INCLUSION OF MEMBERS IN REPORTS ON COUNSELING AND SERVICES.—Subsection (e) of such section is amended—

(1) in the matter preceding paragraph (1), by striking ''to veterans'';

(2) in paragraph (2)—

(A) by striking ''women veterans'' and inserting ''individuals''; and

(B) by striking ''training under subsection (d).'' and inserting ''training under subsection (d), disaggregated by—

''(A) veterans;

''(B) members of the Armed Forces (including members of the National Guard and Reserves) on active duty; and

''(C) for each of subparagraphs (A) and (B)—

''(i) men; and

''(ii) women.'';

(3) in paragraph (4), by striking ''veterans'' and inserting ''individuals''; and

(4) in paragraph (5)—

(A) by striking ''women veterans'' and inserting ''individuals''; and

(B) by inserting '', including specific recommendations for individuals specified in subparagraphs (A), (B), and (C) of paragraph (2)'' before the period at the end.

(d) EFFECTIVE DATE.—The amendments made by this section shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. 403. REPORTS ON MILITARY SEXUAL TRAUMA.

(a) REPORT ON SERVICES AVAILABLE FOR MILITARY SEXUAL TRAUMA IN THE DEPARTMENT OF VETERANS AFFAIRS.—Not later than 630 days after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the Committee on Veterans' Affairs of the Senate and the Committee on Veterans' Affairs of the House of Representatives a report on the treatment and services available from the Department of Veterans Affairs for male veterans who experience military sexual trauma compared to such treatment and services available to female veterans who experience military sexual trauma.

(b) REPORTS ON TRANSITION OF MILITARY SEXUAL TRAUMA TREATMENT FROM DEPARTMENT OF DEFENSE TO DEPARTMENT OF VETERANS AFFAIRS.—Not later than 630 days after the date of the enactment of this Act, and annually thereafter for five years, the Department of Veterans Affairs-Department of Defense Joint Executive Committee established by section 320(a) of title 38, United States Code, shall submit to the appropriate committees of Congress a report on military sexual trauma that includes the following:

(1) The processes and procedures utilized by the Department of Veterans Affairs and the Department of Defense to facilitate transition of treatment of individuals who have experienced military sexual trauma from treatment provided by the Department of Defense to treatment provided by the Department of Veterans Affairs.

(2) A description and assessment of the collaboration between the Department of Veterans Affairs and the Department of Defense in assisting veterans in filing claims for disabilities related to military sexual trauma, including permitting veterans access to information and evidence necessary to develop or support such claims.

(c) DEFINITIONS.—In this section:

(1) APPROPRIATE COMMITTEES OF CONGRESS.—The term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs and the Committee on Armed Services of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Armed Services of the House of Representatives.

(2) MILITARY SEXUAL TRAUMA.—The term ''military sexual trauma'' means psychological trauma, which in the judgment of a mental health professional employed by the Department, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty, active duty for training, or inactive duty training.

(3) SEXUAL HARASSMENT.—The term ''sexual harassment'' means repeated, unsolicited verbal or physical contact of a sexual nature which is threatening in character.

(4) SEXUAL TRAUMA.—The term ''sexual trauma'' shall have the meaning given that term by the Secretary of Veterans Affairs for purposes of this section.

(d) EFFECTIVE DATE.—This section shall take effect on the date that is 270 days after the date of the enactment of this Act.

TITLE V—OTHER HEALTH CARE MATTERS

SEC. 501. EXTENSION OF PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY.

(a) IN GENERAL.—Section 1705 of the National Defense Authorization Act for Fiscal Year 2008 (Public Law 110–181; 38 U.S.C. 1710C note) is amended by adding at the end the following:

''(g) TERMINATION.—The pilot program shall terminate on October 6, 2017.''.

(b) CONFORMING AMENDMENT.—Subsection (a) of such section is amended by striking ''five-year''.

TITLE VI—MAJOR MEDICAL FACILITY LEASES

SEC. 601. AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES.

(a) IN GENERAL.—The Secretary of Veterans Affairs may carry out the following major medical facility leases at the locations specified, and in an amount for each lease not to exceed the amount shown for such location (not including any estimated cancellation costs):

(1) For a clinical research and pharmacy coordinating center, Albuquerque, New Mexico, an amount not to exceed $9,560,000.

(2) For a community-based outpatient clinic, Brick, New Jersey, an amount not to exceed $7,280,000.

(3) For a new primary care and dental clinic annex, Charleston, South Carolina, an amount not to exceed $7,070,250.

(4) For a community-based outpatient clinic, Cobb County, Georgia, an amount not to exceed $6,409,000.

(5) For the Leeward Outpatient Healthcare Access Center, Honolulu, Hawaii, including a co-located clinic with the Department of Defense and the co-location of the Honolulu Regional Office of the Veterans Benefits Administration and the Kapolei Vet Center of the Department of Veterans Affairs, an amount not to exceed $15,887,370.

(6) For a community-based outpatient clinic, Johnson County, Kansas, an amount not to exceed $2,263,000.

(7) For a replacement community-based outpatient clinic, Lafayette, Louisiana, an amount not to exceed $2,996,000.

(8) For a community-based outpatient clinic, Lake Charles, Louisiana, an amount not to exceed $2,626,000.

(9) For outpatient clinic consolidation, New Port Richey, Florida, an amount not to exceed $11,927,000.

(10) For an outpatient clinic, Ponce, Puerto Rico, an amount not to exceed $11,535,000.

(11) For lease consolidation, San Antonio, Texas, an amount not to exceed $19,426,000.

(12) For a community-based outpatient clinic, San Diego, California, an amount not to exceed $11,946,100.

(13) For an outpatient clinic, Tyler, Texas, an amount not to exceed $4,327,000.

(14) For the Errera Community Care Center, West Haven, Connecticut, an amount not to exceed $4,883,000.

(15) For the Worcester Community-Based Outpatient Clinic, Worcester, Massachusetts, an amount not to exceed $4,855,000.

(16) For the expansion of a community-based outpatient clinic, Cape Girardeau, Missouri, an amount not to exceed $4,232,060.

(17) For a multispecialty clinic, Chattanooga, Tennessee, an amount not to exceed $7,069,000.

(18) For the expansion of a community-based outpatient clinic, Chico, California, an amount not to exceed $4,534,000.

(19) For a community-based outpatient clinic, Chula Vista, California, an amount not to exceed $3,714,000.

(20) For a new research lease, Hines, Illinois, an amount not to exceed $22,032,000.

(21) For a replacement research lease, Houston, Texas, an amount not to exceed $6,142,000.

(22) For a community-based outpatient clinic, Lincoln, Nebraska, an amount not to exceed $7,178,400.

(23) For a community-based outpatient clinic, Lubbock, Texas, an amount not to exceed $8,554,000.

(24) For a community-based outpatient clinic consolidation, Myrtle Beach, South Carolina, an amount not to exceed $8,022,000.

(25) For a community-based outpatient clinic, Phoenix, Arizona, an amount not to exceed $20,757,000.

(26) For the expansion of a community-based outpatient clinic, Redding, California, an amount not to exceed $8,154,000.

(27) For the expansion of a community-based outpatient clinic, Tulsa, Oklahoma, an amount not to exceed $13,269,200.

(b) REQUIREMENTS FOR CLINIC IN TULSA.—

(1) IN GENERAL.—In carrying out the expansion of the community-based outpatient clinic in Tulsa, Oklahoma, authorized by subsection (a)(27), the Secretary of Veterans Affairs shall ensure that such clinic satisfies the following requirements:

(A) Consist of not more than 140,000 gross square feet.

(B) Have an annual cost per square foot of not more than the average market rate in Tulsa, Oklahoma, for an equivalent medical facility plus 20 percent.

(C) Satisfy the mandate of the Department of Veterans Affairs to provide veterans in Oklahoma with access to quality and efficient care.

(D) Expand clinical capacity in the region in which the clinic is located in a cost efficient manner based upon regional cost comparisons, taking into account the needs of current veterans and the potential demand by veterans for care in the future.

(E) Be the most cost effective option for the Department as predicted over a 30-year life cycle for such clinic.

(2) COST EFFECTIVE DETERMINATION.—

(A) IN GENERAL.—If the Secretary determines that the most cost effective option over a 30-year life cycle would be to purchase or construct a facility in Tulsa, Oklahoma, instead of entering into a major medical facility lease in such location as authorized by subsection (a)(27), the Secretary shall not enter into such lease.

(B) MAJOR MEDICAL FACILITY PROJECT.—If the Secretary makes the determination described in subparagraph (A), the Secretary may request authority for a major medical facility project in Tulsa, Oklahoma, from Congress pursuant to section 8104(b) of title 38, United States Code.

(C) COST-BENEFIT ANALYSIS.—If the Secretary requests authority for the major medical facility project described in subparagraph (B), not later than 90 days after making the determination described in subparagraph (A), the Secretary shall submit to Congress a detailed cost-benefit analysis of such major medical facility project.

SEC. 602. BUDGETARY TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS MAJOR MEDICAL FACILITIES LEASES.

(a) FINDINGS.—Congress finds the following:

(1) Title 31, United States Code, requires the Department of Veterans Affairs to record the full cost of its contractual obligation against funds available at the time a contract is executed.

(2) Office of Management and Budget Circular A–11 provides guidance to agencies in meeting the statutory requirements under title 31, United States Code, with respect to leases.

(3) For operating leases, Office of Management and Budget Circular A–11 requires the Department of Veterans Affairs to record up-front budget authority in an ''amount equal to total payments under the full term of the lease or [an] amount sufficient to cover first year lease payments plus cancellation costs''.

(b) REQUIREMENT FOR OBLIGATION OF FULL COST.—

(1) IN GENERAL.—Subject to the availability of appropriations provided in advance, in exercising the authority of the Secretary of Veterans Affairs to enter into leases provided in this Act, the Secretary shall record, pursuant to section 1501 of title 31, United States Code, as the full cost of the contractual obligation at the time a contract is executed either—

(A) an amount equal to total payments under the full term of the lease; or

(B) if the lease specifies payments to be made in the event the lease is terminated before its full term, an amount sufficient to cover the first year lease payments plus the specified cancellation costs.

(2) SELF-INSURING AUTHORITY.—The requirements of paragraph (1) may be satisfied through the use of the self-insuring authority identified in title 40, United States Code, consistent with Office of Management and Budget Circular A–11.

(c) TRANSPARENCY.—

(1) COMPLIANCE.—Subsection (b) of section 8104 of title 38, United States Code, is amended by adding at the end the following new paragraph:

''(7) In the case of a prospectus proposing funding for a major medical facility lease, a detailed analysis of how the lease is expected to comply with Office of Management and Budget Circular A–11 and section 1341 of title 31 (commonly referred to as the 'Anti-Deficiency Act'). Any such analysis shall include—

''(A) an analysis of the classification of the lease as a 'lease-purchase', 'capital lease', or 'operating lease' as those terms are defined in Office of Management and Budget Circular A–11;

''(B) an analysis of the obligation of budgetary resources associated with the lease; and

''(C) an analysis of the methodology used in determining the asset cost, fair market value, and cancellation costs of the lease.''.

(2) SUBMITTAL TO CONGRESS.—Such section 8104 is further amended by adding at the end the following new subsection:

''(h)(1) Not less than 30 days before entering into a major medical facility lease, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and the House of Representatives—

''(A) notice of the Secretary's intention to enter into the lease;

''(B) a detailed summary of the proposed lease;

''(C) a description and analysis of any differences between the prospectus submitted pursuant to subsection (b) and the proposed lease; and

''(D) a scoring analysis demonstrating that the proposed lease fully complies with Office of Management and Budget Circular A–11.

''(2) Each committee described in paragraph (1) shall ensure that any information submitted to the committee under such paragraph is treated by the committee with the same level of confidentiality as is required by law of the Secretary and subject to the same statutory penalties for unauthorized disclosure or use as the Secretary.

''(3) Not more than 30 days after entering into a major medical facility lease, the Secretary shall submit to each committee described in paragraph (1) a report on any material differences between the lease that was entered into and the proposed lease described under such paragraph, including how the lease that was entered into changes the previously submitted scoring analysis described in subparagraph (D) of such paragraph.''.

(d) RULE OF CONSTRUCTION.—Nothing in this section, or the amendments made by this section, shall be construed to in any way relieve the Department of Veterans Affairs from any statutory or regulatory obligations or requirements existing prior to the enactment of this section and such amendments.

TITLE VII—OTHER VETERANS MATTERS

SEC. 701. EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP.

(a) EXPANSION OF ENTITLEMENT.—Subsection (b)(9) of section 3311 of title 38, United States Code, is amended by inserting ''or spouse'' after ''child''.

(b) LIMITATION AND ELECTION ON CERTAIN BENEFITS.—Subsection (f) of such section is amended—

(1) by redesignating paragraph (2) as paragraph (4); and

(2) by inserting after paragraph (1) the following new paragraphs:

''(2) LIMITATION.—The entitlement of an individual to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) because the individual was a spouse of a person described in such paragraph shall expire on the earlier of—

''(A) the date that is 15 years after the date on which the person died; or

''(B) the date on which the individual remarries.

''(3) ELECTION ON RECEIPT OF CERTAIN BENEFITS.—A surviving spouse entitled to assistance under subsection (a) pursuant to paragraph (9) of subsection (b) who is also entitled to educational assistance under chapter 35 of this title may not receive assistance under both this section and such chapter, but shall make an irrevocable election (in such form and manner as the Secretary may prescribe) under which section or chapter to receive educational assistance.''.

(c) CONFORMING AMENDMENT.—Section 3321(b)(4) of such title is amended—

(1) by striking ''an individual'' and inserting ''a child''; and

(2) by striking ''such individual's'' each time it appears and inserting ''such child's''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply with respect to a quarter, semester, or term, as applicable, commencing on or after January 1, 2015.

SEC. 702. APPROVAL OF COURSES OF EDUCATION PROVIDED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING FOR PURPOSES OF ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM AND POST-9/11 EDUCATIONAL ASSISTANCE CONDITIONAL ON IN-STATE TUITION RATE FOR VETERANS.

(a) IN GENERAL.—Section 3679 of title 38, United States Code, is amended by adding at the end the following new subsection:

''(c)(1) Notwithstanding any other provision of this chapter and subject to paragraphs (3) through (6), the Secretary shall disapprove a course of education provided by a public institution of higher learning to a covered individual pursuing a course of education with educational assistance under chapter 30 or 33 of this title while living in the State in which the public institution of higher learning is located if the institution charges tuition and fees for that course for the covered individual at a rate that is higher than the rate the institution charges for tuition and fees for that course for residents of the State in which the institution is located, regardless of the covered individual's State of residence.

''(2) For purposes of this subsection, a covered individual is any individual as follows:

''(A) A veteran who was discharged or released from a period of not fewer than 90 days of service in the active military, naval, or air service less than three years before the date of enrollment in the course concerned.

''(B) An individual who is entitled to assistance under section 3311(b)(9) or 3319 of this title by virtue of such individual's relationship to a veteran described in subparagraph (A).

''(3) If after enrollment in a course of education that is subject to disapproval under paragraph (1) by reason of paragraph (2)(A) or (2)(B) a covered individual pursues one or more courses of education at the same public institution of higher learning while remaining continuously enrolled (other than during regularly scheduled breaks between courses, semesters or terms) at that institution of higher learning, any course so pursued by the covered individual at that institution of higher learning while so continuously enrolled shall also be subject to disapproval under paragraph (1).

''(4) It shall not be grounds to disapprove a course of education under paragraph (1) if a public institution of higher learning requires a covered individual pursuing a course of education at the institution to demonstrate an intent, by means other than satisfying a physical presence requirement, to establish residency in the State in which the institution is located, or to satisfy other requirements not relating to the establishment of residency, in order to be charged tuition and fees for that course at a rate that is equal to or less than the rate the institution charges for tuition and fees for that course for residents of the State.

''(5) The Secretary may waive such requirements of paragraph (1) as the Secretary considers appropriate.

''(6) Disapproval under paragraph (1) shall apply only with respect to educational assistance under chapters 30 and 33 of this title.''.

(b) EFFECTIVE DATE.—Subsection (c) of section 3679 of title 38, United States Code (as added by subsection (a) of this section), shall apply with respect to educational assistance provided for pursuit of a program of education during a quarter, semester, or term, as applicable, that begins after July 1, 2015.

SEC. 703. EXTENSION OF REDUCTION IN AMOUNT OF PENSION FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES.

Section 5503(d)(7) of title 38, United States Code, is amended by striking ''November 30, 2016'' and inserting ''September 30, 2024''.

SEC. 704. EXTENSION OF REQUIREMENT FOR COLLECTION OF FEES FOR HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS.

Section 3729(b)(2) of title 38, United States Code, is amended—

(1) in subparagraph (A)—

(A) in clause (iii), by striking ''October 1, 2017'' and inserting ''September 30, 2024''; and

(B) in clause (iv), by striking ''October 1, 2017'' and inserting ''September 30, 2024'';

(2) in subparagraph (B)—

(A) in clause (i), by striking ''October 1, 2017'' and inserting ''September 30, 2024''; and

(B) in clause (ii), by striking ''October 1, 2017'' and inserting ''September 30, 2024'';

(3) in subparagraph (C)—

(A) in clause (i), by striking ''October 1, 2017'' and inserting ''September 30, 2024''; and

(B) in clause (ii), by striking ''October 1, 2017'' and inserting ''September 30, 2024''; and

(4) in subparagraph (D)—

(A) in clause (i), by striking ''October 1, 2017'' and inserting ''September 30, 2024''; and

(B) in clause (ii), by striking ''October 1, 2017'' and inserting ''September 30, 2024''.

SEC. 705. LIMITATION ON AWARDS AND BONUSES PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS.

In each of fiscal years 2015 through 2024, the Secretary of Veterans Affairs shall ensure that the aggregate amount of awards and bonuses paid by the Secretary in a fiscal year under chapter 45 or 53 of title 5, United States Code, or any other awards or bonuses authorized under such title does not exceed $360,000,000.

SEC. 706. EXTENSION OF AUTHORITY TO USE INCOME INFORMATION.

Section 5317(g) of title 38, United States Code, is amended by striking ''September 30, 2016'' and inserting ''September 30, 2024''.

SEC. 707. REMOVAL OF SENIOR EXECUTIVES OF THE DEPARTMENT OF VETERANS AFFAIRS FOR PERFORMANCE OR MISCONDUCT.

(a) REMOVAL OR TRANSFER.—

(1) IN GENERAL.—Chapter 7 of title 38, United States Code, is amended by adding at the end the following new section:

''§ 713. Senior executives: removal based on performance or misconduct

''(a) IN GENERAL.—(1) The Secretary may remove an individual employed in a senior executive position at the Department of Veterans Affairs from the senior executive position if the Secretary determines the performance or misconduct of the individual warrants such removal. If the Secretary so removes such an individual, the Secretary may—

''(A) remove the individual from the civil service (as defined in section 2101 of title 5); or

''(B) in the case of an individual described in paragraph (2), transfer the individual from the senior executive position to a General Schedule position at any grade of the General Schedule for which the individual is qualified and that the Secretary determines is appropriate.

''(2) An individual described in this paragraph is an individual who—

''(A) previously occupied a permanent position within the competitive service (as that term is defined in section 2102 of title 5);

''(B) previously occupied a permanent position within the excepted service (as that term is defined in section 2103 of title 5); or

''(C) prior to employment in a senior executive position at the Department of Veterans Affairs, did not occupy any position within the Federal Government.

''(b) PAY OF TRANSFERRED INDIVIDUAL.—(1) Notwithstanding any other provision of law, including the requirements of section 3594 of title 5, any individual transferred to a General Schedule position under subsection (a)(2) shall, beginning on the date of such transfer, receive the annual rate of pay applicable to such position.

''(2) An individual so transferred may not be placed on administrative leave or any other category of paid leave during the period during which an appeal (if any) under this section is ongoing, and may only receive pay if the individual reports for duty. If an individual so transferred does not report for duty, such individual shall not receive pay or other benefits pursuant to subsection (e)(5).

''(c) NOTICE TO CONGRESS.—Not later than 30 days after removing or transferring an individual from a senior executive position under subsection (a), the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives notice in writing of such removal or transfer and the reason for such removal or transfer.

''(d) PROCEDURE.—(1) The procedures under section 7543(b) of title 5 shall not apply to a removal or transfer under this section.

''(2)(A) Subject to subparagraph (B) and subsection (e), any removal or transfer under subsection (a) may be appealed to the Merit Systems Protection Board under section 7701 of title 5.

''(B) An appeal under subparagraph (A) of a removal or transfer may only be made if such appeal is made not later than seven days after the date of such removal or transfer.

''(e) EXPEDITED REVIEW BY ADMINISTRATIVE JUDGE.—(1) Upon receipt of an appeal under subsection (d)(2)(A), the Merit Systems Protection Board shall refer such appeal to an administrative judge pursuant to section 7701(b)(1) of title 5. The administrative judge shall expedite any such appeal under such section and, in any such case, shall issue a decision not later than 21 days after the date of the appeal.

''(2) Notwithstanding any other provision of law, including section 7703 of title 5, the decision of an administrative judge under paragraph (1) shall be final and shall not be subject to any further appeal.

''(3) In any case in which the administrative judge cannot issue a decision in accordance with the 21-day requirement under paragraph (1), the removal or transfer is final. In such a case, the Merit Systems Protection Board shall, within 14 days after the date that such removal or transfer is final, submit to Congress and the Committees on Veterans' Affairs of the Senate and House of Representatives a report that explains the reasons why a decision was not issued in accordance with such requirement.

''(4) The Merit Systems Protection Board or administrative judge may not stay any removal or transfer under this section.

''(5) During the period beginning on the date on which an individual appeals a removal from the civil service under subsection (d) and ending on the date that the administrative judge issues a final decision on such appeal, such individual may not receive any pay, awards, bonuses, incentives, allowances, differentials, student loan repayments, special payments, or benefits.

''(6) To the maximum extent practicable, the Secretary shall provide to the Merit Systems Protection Board, and to any administrative judge to whom an appeal under this section is referred, such information and assistance as may be necessary to ensure an appeal under this subsection is expedited.

''(f) RELATION TO TITLE 5.—(1) The authority provided by this section is in addition to the authority provided by section 3592 or subchapter V of chapter 75 of title 5.

''(2) Section 3592(b)(1) of title 5 does not apply to an action to remove or transfer an individual under this section.

''(g) DEFINITIONS.—In this section:

''(1) The term 'individual' means—

''(A) a career appointee (as that term is defined in section 3132(a)(4) of title 5); or

''(B) any individual who occupies an administrative or executive position and who was appointed under section 7306(a) or section 7401(1) of this title.

''(2) The term 'misconduct' includes neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function.

''(3) The term 'senior executive position' means—

''(A) with respect to a career appointee (as that term is defined in section 3132(a)(4) of title 5), a Senior Executive Service position (as such term is defined in section 3132(a)(2) of title 5); and

''(B) with respect to an individual appointed under section 7306(a) or section 7401(1) of this title, an administrative or executive position.''.

(2) CLERICAL AMENDMENT.—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

''713. Senior executives: removal based on performance or misconduct.''.

(b) ESTABLISHMENT OF EXPEDITED REVIEW PROCESS.—

(1) IN GENERAL.—Not later than 14 days after the date of the enactment of this Act, the Merit Systems Protection Board shall establish and put into effect a process to conduct expedited reviews in accordance with section 713(d) of title 38, United States Code.

(2) INAPPLICABILITY OF CERTAIN REGULATIONS.—Section 1201.22 of title 5, Code of Federal Regulations, as in effect on the day before the date of the enactment of this Act, shall not apply to expedited reviews carried out under section 713(d) of title 38, United States Code.

(3) WAIVER.—The Merit Systems Protection Board may waive any other regulation in order to provide for the expedited review required under section 713(d) of title 38, United States Code.

(4) REPORT BY MERIT SYSTEMS PROTECTION BOARD.—Not later than 14 days after the date of the enactment of this Act, the Merit Systems Protection Board shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the actions the Board plans to take to conduct expedited reviews under section 713(d) of title 38, United States Code, as added by subsection (a). Such report shall include a description of the resources the Board determines will be necessary to conduct such reviews and a description of whether any resources will be necessary to conduct such reviews that were not available to the Board on the day before the date of the enactment of this Act.

(c) TEMPORARY EXEMPTION FROM CERTAIN LIMITATION ON INITIATION OF REMOVAL FROM SENIOR EXECUTIVE SERVICE.—During the 120-day period beginning on the date of the enactment of this Act, an action to remove an individual from the Senior Executive Service at the Department of Veterans Affairs pursuant to section 7543 of title 5, United States Code, may be initiated, notwithstanding section 3592(b) of such title, or any other provision of law.

(d) CONSTRUCTION.—

(1) IN GENERAL.—Nothing in this section or section 713 of title 38, United States Code, as added by subsection (a), shall be construed to apply to an appeal of a removal, transfer, or other personnel action that was pending before the date of the enactment of this Act.

(2) RELATION TO TITLE 5.—With respect to the removal or transfer of an individual (as that term is defined in such section 713) employed at the Department of Veterans Affairs, the authority provided by such section 713 is in addition to the authority provided by section 3592 or subchapter V of chapter 75 of title 5, United States Code.

TITLE VIII—OTHER MATTERS

SEC. 801. APPROPRIATION OF AMOUNTS.

(a) IN GENERAL.—There is authorized to be appropriated, and is appropriated, to the Secretary of Veterans Affairs, out of any funds in the Treasury not otherwise appropriated $5,000,000,000 to carry out subsection (b). Such funds shall be available for obligation or expenditure without fiscal year limitation.

(b) USE OF AMOUNTS.—The amount appropriated under subsection (a) shall be used by the Secretary as follows:

(1) To increase the access of veterans to care as follows:

(A) To hire primary care and specialty care physicians for employment in the Department of Veterans Affairs.

(B) To hire other medical staff, including the following:

(i) Physicians.

(ii) Nurses.

(iii) Social workers.

(iv) Mental health professionals.

(v) Other health care professionals as the Secretary considers appropriate.

(C) To carry out sections 301 and 302, including the amendments made by such sections.

(D) To pay for expenses, equipment, and other costs associated with the hiring of primary care, specialty care physicians, and other medical staff under subparagraphs (A), (B), and (C).

(2) To improve the physical infrastructure of the Department as follows:

(A) To maintain and operate hospitals, nursing homes, domiciliary facilities, and other facilities of the Veterans Health Administration.

(B) To enter into contracts or hire temporary employees to repair, alter, or improve facilities under the jurisdiction of the Department that are not otherwise provided for under this paragraph.

(C) To carry out leases for facilities of the Department.

(D) To carry out minor construction projects of the Department.

(c) AVAILABILITY.—The amount appropriated under subsection (a) shall remain available until expended.

(d) REPORT.—

(1) IN GENERAL.—Not later than one year after the date of the enactment of this Act, the Secretary of Veterans Affairs shall submit to the appropriate committees of Congress a report on how the Secretary has obligated the amounts appropriated under subsection (a) as of the date of the submittal of the report.

(2) APPROPRIATE COMMITTEES OF CONGRESS DEFINED.—In this subsection, the term ''appropriate committees of Congress'' means—

(A) the Committee on Veterans' Affairs and the Committee on Appropriations of the Senate; and

(B) the Committee on Veterans' Affairs and the Committee on Appropriations of the House of Representatives.

(e) FUNDING PLAN.—The Secretary shall submit to Congress a funding plan describing how the Secretary intends to use the amounts provided under subsection (a).

SEC. 802. VETERANS CHOICE FUND.

(a) IN GENERAL.—There is established in the Treasury of the United States a fund to be known as the Veterans Choice Fund.

(b) ADMINISTRATION OF FUND.—The Secretary of Veterans Affairs shall administer the Veterans Choice Fund established by subsection (a).

(c) USE OF AMOUNTS.—

(1) IN GENERAL.—Any amounts deposited in the Veteran Choice Fund shall be used by the Secretary of Veterans Affairs to carry out section 101, including, subject to paragraph (2), any administrative requirements of such section.

(2) AMOUNT FOR ADMINISTRATIVE REQUIREMENTS.—

(A) LIMITATION.—Except as provided by subparagraph (B), of the amounts deposited in the Veterans Choice Fund, not more than $300,000,000 may be used for administrative requirements to carry out section 101.

(B) INCREASE.—The Secretary may increase the amount set forth in subparagraph (A) with respect to the amounts used for administrative requirements if—

(i) the Secretary determines that the amount of such increase is necessary to carry out section 101;

(ii) the Secretary submits to the Committees on Veterans' Affairs and Appropriations of the House of Representatives and the Committees on Veterans' Affairs and Appropriations of the Senate a report described in subparagraph (C); and

(iii) a period of 60 days has elapsed following the date on which the Secretary submits the report under clause (ii).

(C) REPORT.—A report described in this subparagraph is a report that contains the following:

(i) A notification of the amount of the increase that the Secretary determines necessary under subparagraph (B)(i).

(ii) The justifications for such increased amount.

(iii) The administrative requirements that the Secretary will carry out using such increased amount.

(d) APPROPRIATION AND DEPOSIT OF AMOUNTS.—

(1) IN GENERAL.—There is authorized to be appropriated, and is appropriated, to the Secretary of Veterans Affairs, out of any funds in the Treasury not otherwise appropriated $10,000,000,000 to be deposited in the Veterans Choice Fund established by subsection (a). Such funds shall be available for obligation or expenditure without fiscal year limitation, and only for the program created under section 101.

(2) AVAILABILITY.—The amount appropriated under paragraph (1) shall remain available until expended.

(e) SENSE OF CONGRESS.—It is the sense of Congress that the Veterans Choice Fund is a supplement to but distinct from the Department of Veterans Affairs' current and expected level of non-Department care currently part of Department's medical care budget. Congress expects that the Department will maintain at least its existing obligations of non-Department care programs in addition to but distinct from the Veterans Choice Fund for each of fiscal years 2015 through 2017.

SEC. 803. EMERGENCY DESIGNATIONS.

(a) IN GENERAL.—This Act is designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act is designated as an emergency requirement pursuant to section 403(a) of S. Con. Res. 13 (111th Congress), the concurrent resolution on the budget for fiscal year 2010.

And the House agree to the same.

For consideration of the House amendment and the Senate amendment, and modifications committed to conference:

JEFF MILLER of Florida,
DOUG LAMBORN,
DAVID P. ROE of Tennessee,
BILL FLORES,
DAN BENISHEK,
MIKE COFFMAN,
BRAD R. WENSTRUP,
JACKIE WALORSKI,
MICHAEL H. MICHAUD,
CORRINE BROWN of Florida,
MARK TAKANO,
JULIA BROWNLEY of California,
ANN KIRKPATRICK,
TIMOTHY J. WALZ,

Managers on the part of the House.

BERNARD SANDERS,
JOHN D. ROCKEFELLER IV,
PATTY MURRAY,
SHERROD BROWN,
JON TESTER,
MARK BEGICH,
RICHARD BLUMENTHAL,
MAZIE K. HIRONO,
RICHARD BURR,
JOHNNY ISAKSON,
MIKE JOHANNS,

Managers on the part of the Senate.

JOINT EXPLANATORY STATEMENT OF THE COMMITTEE OF CONFERENCE

The managers on the part of the House and the Senate at the conference on the disagreeing votes of the two Houses on the amendment of the House to the amendment of the Senate to the bill (H.R. 3230), making continuing appropriations during a Government shutdown to provide pay and allowances to members of the reserve components of the Armed Forces who perform inactive-duty training during such period, submit the following joint statement to the House and the Senate in explanation of the effect of the action agreed upon by the managers and recommended in the accompanying conference report:

The House amendment to the Senate amendment struck all of the House bill after the enacting clause and inserted a substitute text.

The Senate recedes from its disagreement to the amendment of the House with an amendment that is a substitute for the House bill and the House amendment to the Senate amendment. The differences between the House amendment, the Senate amendment, and the substitute agreed to in conference are noted below, except for clerical corrections, conforming changes made necessary by agreements reached by the conferees, and minor drafting and clarifying changes.

OVERVIEW

The House amendment to the Senate amendment to the Conference bill consists of provisions from the following House bills: H.R. 4810, the Veteran Access to Care Act of 2014, which passed the House on June 10, 2014, and H.R. 4031, the Department of Veterans Affairs Management Accountability Act of 2014, which passed the House on May 21, 2014.

The Senate amendment consists of provisions from the following Senate bill: S. 2450, the Veterans' Access to Care through Choice, Accountability, and Transparency Act of 2014, which was incorporated as a substitute amendment to H.R. 3230 and passed the Senate on June 11, 2014.

TITLE I—IMPROVEMENT OF ACCESS TO CARE FROM NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS

EXPANDED AVAILABILITY OF HOSPITAL CARE AND MEDICAL SERVICES FOR VETERANS THROUGH THE USE OF AGREEMENTS WITH NON-DEPARTMENT OF VETERANS AFFAIRS ENTITIES

Current Law

Section 1710 of title 38, United States Code (hereinafter, ''U.S.C.''), requires the Department of Veterans Affairs (hereinafter, ''VA'') to provide hospital care and medical services to eligible veterans. Section 1703 of title 38, U.S.C., authorizes VA to contract with non-Department facilities and providers to furnish hospital or medical services to eligible veterans when VA is not capable of providing economical care because of geographical inaccessibility or due to an inability to furnish such care or services required. Sections 1725 and 1728 of title 38, U.S.C., authorize VA to reimburse for certain types of care, such as emergency treatment, at non-Department facilities. Section 1786 of title 38, U.S.C., authorizes VA to provide needed post-delivery care and services. Section 8111 of title 38, U.S.C., authorizes VA to enter into sharing agreements at other government facilities. Section 8153 of title 38, U.S.C., authorizes a VA facility to enter into a contract or agreement with non-VA health care entities to secure healthcare services that are either unavailable or not cost-effective to provide at a VA facility.

Senate Amendment

The Senate amendment would require VA to provide hospital and medical services to

an eligible veteran, at the election of such veteran, through non-VA health care providers, who participate in the Medicare program, or at Federally Qualified Health Centers (hereinafter, ''FQHCs''), facilities funded by the Indian Health Service (hereinafter, ''IHS''), or Department of Defense (hereinafter, ''DOD''). It would also require the Secretary of Veterans Affairs (hereinafter, ''the Secretary'') to coordinate the delivery of such non-VA care and services through the Non-VA Care Coordination Program.

For purposes of receiving non-VA care and services as a veteran enrolled in the VA health care system, the Senate amendment would define an eligible veteran as someone who is unable to schedule an appointment at a VA medical facility within VA's stated wait-time goals; resides more than 40 miles from the nearest VA medical facility; or, in the case of a veteran who resides in a State without a VA medical facility that provides hospital care, emergency medical services, and surgical care, resides 20 miles from such VA medical facility.

It would also authorize VA to enter into negotiated contracts with eligible non-VA providers for the provision of care and services to an eligible veteran. Furthermore, it would authorize VA to establish contracts with non-VA providers at the Medicare rate or to negotiate a rate that is higher than the Medicare rate, only if VA is unable to find a health care provider that is able to provide such care and services at the Medicare rate.

House Amendment

The House amendment would require VA, for two years after enactment, to offer non-VA care at the Department's expense to any enrolled veteran who resides more than 40 miles from a VA medical facility or has waited longer than the VA's wait-time goals—as of June 1, 2014—for a medical appointment or has been notified by VA that an appointment is not available within VA's wait-time goals—as of June 1, 2014—and who elects to receive care at a non-VA facility. In furnishing such care, the House amendment would require VA to utilize existing contracts to the greatest extent possible; to reimburse any non-VA care providers with which VA has not entered into an existing contract, at the greater of the rate set by VA, TRICARE, or Medicare, for care received by an eligible veteran; and, ensure that a non-VA care authorization encompasses the complete episode of care but does not exceed sixty days.

It would also require VA to submit to Congress a quarterly report, which includes how many eligible veterans have received non-VA care or services.

Conference Agreement

The Conference agreement adopts the Senate provision with amendments to eligibility, payment rates and VA's obligation for payments for non-service-connected care or services. The conference substitute defines an eligible veteran as a veteran who is enrolled in the patient enrollment system as of August 1, 2014, or any veteran who enrolls after such date and who, at any time during the five-year period preceding such enrollment, served on active duty in a theater of combat operation. It also includes those veterans who live within 40 miles of a medical facility and are required to travel by air, boat, or ferry to access a VA medical facility or who face geographical challenges in accessing that medical facility. In calculating the distance from a nearest VA medical facility, it is the Conferees' expectation that VA will use geodesic distance, or the shortest distance between two points. The Conferees do not intend the 40-mile eligibility criteria included in this section to preclude veterans who reside closer than 40-miles from a VA facility from accessing care through non-VA providers, particularly if the VA facility the veteran resides near provides limited services.

Should an appointment not be available for a veteran within the established wait time goals and the veteran chooses to be seen by non-VA entities, the veteran will be informed by electronic means, or by a letter if the veteran so chooses, as to the care or services they are authorized to receive.

The rates for contracts established under this section shall be no more than the rates paid to a provider of services under Medicare with the exception VA may negotiate a higher rate for care provided to veterans residing in highly rural areas.

A ''Veterans Choice Card'' will be issued to each enrolled veteran for presentation to health care providers for the delivery of authorized medical care and services. This card will contain identifying information as well as contact and relevant information for authorization and claims procedures. The Secretary will provide information to veterans about the availability of care and services through the use of this card. The Conferees do not intend for any delays that may occur in the production of the ''Veterans Choice Card'' to delay the implementation of the choice program.

This election to receive care through a health care provider also includes what would be considered an episode of care up to a period of 60 days. The Conferees recognize that chronic conditions or illnesses may require episodes of care that extend beyond the 60 day limit. In such cases, the Conferees expect the Secretary to authorize additional episodes of care sufficient to complete the needed treatment or in the case of treatment needed to maintain a quality of life during a terminal illness.

For those veterans receiving hospital care or medical services for non-service-connected conditions, the Department is secondarily responsible. The health care provider that furnishes care or services shall be responsible for seeking reimbursement from the health care plan contract under which the eligible veteran is covered. Eligible veterans will pay a copayment for the receipt of hospital care or medical services under this section only if such eligible veteran would be required to pay a copayment for the receipt of care and services at a VA medical facility. Nothing in this section amends health plans not administered by the Department, including with respect to the terms and conditions of such coverage, reimbursement, and cost-sharing.

Numerous reports are required to document program implementation, establishment and success in meeting goals, utilization of and satisfaction in care and services delivered under this section, and Department expenditures.

The Conferees expect VA will provide care and services under this section at the choice of an eligible veteran if the veteran experiences the time or distance delays described in this section. When coordinating care for eligible veterans through the Non-VA Care Coordination program, the Department should attempt to ensure when an appointment is authorized, the eligible veteran receives care within an appropriate time period, as defined by medical necessity as determined by the referring physician, or a mandatory time period established by the Secretary when the request for care is not initiated by a physician, that all medical fees are appropriately paid and health care records are returned to the Department within the prescribed time. The Conferees also expect that VA will utilize providers who have demonstrated success providing a variety of care, to veterans under an integrated model of care and a proven ability to partner with the Federal government.

Congress has authorized a new program to provide care and choice to veterans, the funds made available for this program through section 802(d)(1) are available only to carry out this new program.

ENHANCEMENT OF COLLABORATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND INDIAN HEALTH SERVICE

Current Law

Subsection 1645(c) of title 25, U.S.C., requires VA and DOD to reimburse IHS, an Indian tribe, or a tribal organization for providing eligible beneficiaries with health care services. In 2010, VA and IHS signed an updated Memorandum of Understanding (hereinafter, ''MOU'') in order to establish ''mutual goals and objectives for ongoing collaboration between VA and IHS in support of their respective missions and to establish a common mission of serving our nation's American Indian and Alaska Native Veteran.'' This MOU set forth five goals, to be achieved through 12 areas of collaboration between VA and IHS. One of the areas of collaboration focused on increasing the availability of health care services through development of payment and reimbursement policies to support interagency care delivery.

As a result, in December 2012, VA and IHS signed a national reimbursement agreement to create a mechanism by which VA can reimburse IHS for health services provided to eligible veterans. This MOU only covers direct care services provided by IHS. In addition to providing direct care, IHS also contracts with Urban Indian Health Centers and Tribal Health Programs (hereinafter, ''THP'') to provide additional points of care to eligible Native Americans. VA has worked with individual THPs to negotiate separate reimbursement agreements to care for veterans. While VA's agreement with IHS only covers dual eligible veterans, the Department's agreements with health providers through the Alaska Native Tribal Health Consortium include coverage for all veterans. VA has not yet entered into reimbursement agreements with any Urban IHS Centers to treat veterans.

In April 2013 and June 2014, the Government Accountability Office (hereinafter, ''GAO'') issued two reports on the VA–IHS MOU. GAO's recommendations indicated that better definition of metrics and improved oversight and guidance would improve implementation of the MOU and its impact on access to care for veterans.

Senate Amendment

The Senate amendment would require VA, in consultation with IHS, to conduct more outreach to IHS tribal health programs to ensure they are aware of the opportunity to negotiate a reimbursement agreement.

It would require VA, in collaboration with IHS, to define metrics for implementing and overseeing existing partnership efforts under the current VA–IHS MOU.

Finally, it would require VA and IHS to jointly report to Congress, within 180 days of enactment, on the feasibility and advisability of entering into reimbursement agreements with Urban IHS Centers and including treatment of non-Native veterans as a reimbursable expense under existing reimbursement structures.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

ENHANCEMENT OF COLLABORATION BETWEEN DEPARTMENT OF VETERANS AFFAIRS AND NATIVE HAWAIIAN HEALTH CARE SYSTEMS

Current Law

In October 2013, the VA Pacific Islands Health Care System (hereinafter, ''VAPIHCS'') entered into an MOU with Papa Ola Lokahi, the statutorily designated statewide coordinating body for the five Native Hawaiian Health Care Systems, in order to improve communication, collaboration, and cooperation regarding health care for Native Hawaiian veterans. The purpose statement of the MOU notes that both parties, ''hope to seek and develop greater means of achieving efficiency of care provided and to create future processes for VAPIHCS reimbursement for services provided to Native Hawaiian veterans referred to Papa Ola Lokahi by VAPIHCS.'' VA estimated the average waiting time for a new patient requesting a primary care appointment at VAPIHCS was nearly 130 days, the highest in the nation. Due to the rural nature of the state, VAPIHCS has received funding above and beyond its Veterans Equitable Resource Allocation in Fiscal Year (hereinafter, ''FY'') 2012 and FY 2013, in order to account for the costs of beneficiary travel for eligible veterans to receive services on other islands. These numbers were $4.94 million and $4.65 million, respectively.

Senate Amendment

The Senate amendment would require VA to enter into contracts or agreements with the Native Hawaiian health care systems for reimbursement of direct care services provided to eligible veterans.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

REAUTHORIZATION AND MODIFICATION OF PILOT PROGRAM OF ENHANCED CONTRACT CARE AUTHORITY FOR HEALTH CARE NEEDS OF VETERANS

Current Law

Section 403 of the Veterans' Mental Health and Other Care Improvements Act of 2008, Public Law 110–387, provided VA with authority to conduct a pilot program commonly known as Project ARCH (Access Received Closer to Home) in five Veterans Integrated Service Networks (hereinafter, ''VISNs''). The pilot program was to be carried out in at least five VISNs, restricted by various geographic and demographic factors. Locations included: Northern Maine; Farmville, Virginia; Pratt, Kansas; Flagstaff, Arizona; and, Billings, Montana. The aim of the pilot was to provide health care access to eligible veterans closer to home through a non-Department health care provider.

Senate Amendment

The Senate amendment contained no similar provision.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Committee substitute would extend Project ARCH within specified VISNs for veterans in highly rural areas who are enrolled in VA health care for an additional 2 years. It would also require appointments to be scheduled within 5 days from the date the provider accepts a referral from VA and requires these veterans receive care within 30 days from the date the appointment was made.

PROMPT PAYMENT BY THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

In general, the Prompt Payment Act, as amended, requires executive branch agencies, including VA, to pay late-payment penalties when the Department does not pay commercial payments on time.

In March 2014, GAO reported that billing officials at one non-VA provider experienced ''lengthy delays'' in the processing of their claims, which in some cases took years. Additionally, GAO testified at a House Committee on Veterans' Affairs hearing on June 18, 2014, on claim processing discrepancies that delayed or denied payments for healthcare provided by non-VA providers.

According to GAO, these delays or denials create an environment where non-VA entities are hesitant to provide care due to fears they will not be paid for services provided. This hinders access to care for veterans who need non-VA services.

Senate Amendment

The Senate amendment would provide a Sense of Congress that VA comply with section 1315 of title 5, Code of Federal Regulations (hereinafter, ''CFR''), (commonly known as the ''prompt payment rule'') in paying for health care pursuant to contracts with non-VA providers.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision with an amendment that adds a GAO report on the timeliness of payments by VA for non-VA care and services. The Committee is concerned that the Department is not paying claims for services provided to veterans by non-Department providers in a timely manner. The Committee urges the Secretary to establish and implement a system for the processing and paying of those claims.

TRANSFER OF AUTHORITY FOR PAYMENTS FOR HOSPITAL CARE, MEDICAL SERVICES, AND OTHER HEALTH CARE FROM NON-DEPARTMENT OF VETERANS AFFAIRS PROVIDERS TO THE CHIEF BUSINESS OFFICE OF THE VETERANS HEALTH ADMINISTRATION

Current Law

Under current law, section 1703 of title 38, U.S.C., VA may contract with non-Department facilities and providers to furnish hospital care or medical services to eligible veterans when VA is not capable of furnishing the care or services required or VA is not capable of providing economical care because of geographical inaccessibility. Further, VA has authority, under sections 1725 and 1728 of title 38, U.S.C., to reimburse for certain types of care, such as emergency treatment, at non-Department facilities.

The criteria for determining whether a veteran is eligible for non-VA care is established by each VISN or VA medical center. Committee oversight has determined that a decentralized eligibility determination process ensures eligibility is appropriate for each medical center's capacity and the needs of the veterans it serves. However, such decentralization has caused disparity in eligibility criteria throughout the VA health care system and in some cases has led to the determination of eligibility as subject to facility budget considerations rather than to the determination of what is best for the veteran.

The use of non-VA care has increased. In fact, non-VA care has been the subject of two recent reports by the GAO. Both reports highlighted vulnerabilities in VA's ability to manage and oversee utilization of and spending on non-VA care. In its May 2013 report, GAO noted VA's fee basis care spending had increased nearly $1.5 billion from FY 2008 through FY 2012 and had witnessed an increase in utilization of 19% during that same time period.

Without central oversight of non-VA care, VA has limited ability to collect and analyze data that could help to improve the program's management.

Senate Amendment

The Senate amendment would require the Secretary to transfer the authority to pay for hospital care, medical services, and other health care through non-VA providers to the Chief Business Office from VA's VISNs and medical centers by October 1, 2014. It would also require the Chief Business Office to work with the Office of Clinical Operations and Management to ensure care and services are provided in a manner that is clinically appropriate and in the best interest of the veterans receiving such care and services.

Finally, in each FY after the date of enactment, the Secretary would be required to include in the Chief Business Office budget funds to pay for hospital care, medical services, and other health care provided through non-VA providers.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

TITLE II—HEALTH CARE ADMINISTRATIVE MATTERS

INDEPENDENT ASSESSMENT OF THE HEALTH CARE DELIVERY SYSTEMS AND MANAGEMENT PROCESSES OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

VA operates the largest integrated health care system in the nation, comprised of 150 VA medical centers (hereinafter, ''VAMCs''), 820 community-based outpatient clinics, 135 community-living centers, 300 Vet Centers, 140 domiciliary treatment programs, and 70 mobile Vet Centers. These sites of care are divided amongst 21 VISNs. The VA health care system is overseen by the Veterans Health Administration (hereinafter, ''VHA''), which operates under the leadership of the VA Under Secretary for Health. VHA employs a staff of approximately 288,000 employees and oversees a medical care budget of approximately $55 billion. In addition to providing direct health care services to eligible veterans, caregivers, and dependents, VHA also conducts education and training programs for health care professionals and medical residents; operates an extensive medical research program; and, serves as the contingency back-up to the Department of Defense during national emergencies.

VHA directive 2010–027, ''VHA Outpatient Scheduling Processes and Procedures'' (hereinafter, ''the directive''), established on June 9, 2010, outlines the policy for implementing processes and procedures for scheduling outpatient appointments using the Veterans Health Information Systems and Technology Architecture (hereinafter, ''VistA''). The directive also provides detail regarding how to ensure staff is competent in the scheduling process. This directive is set to expire on June 30, 2015.

VA's Office of Inspector General (hereinafter, ''VAOIG''), GAO and a recent VA audit have identified significant problems with VA's ability to provide timely access to health care.

Senate Amendment

The Senate amendment would require VA to enter into a contract with an independent third party for a 180-day assessment of: the

process for scheduling appointments at each VA medical facility; the staffing level at and productivity of each VA medical facility; the organization, processes, and tools used to support clinical documentation and coding of inpatient services; the purchasing, distribution, and use of pharmaceuticals; and the performance of the Department in paying amounts owed to third parties and collecting amounts owed to the Department. The independent third party conducting the assessment would be required to conduct a comprehensive review of the Department's scheduling process and recommend any actions to be taken by the Department to improve its process for scheduling medical appointments.

The Senate amendment would also require VA to submit a report to the Committees on Veterans' Affairs of the Senate and the House of Representatives (hereinafter, ''the Committees''), no later than 90 days after the date on which the independent third party completes the assessment, on the results of such assessment.

House Amendment

The House amendment would require an independent assessment of hospital care and medical services furnished in VA medical facilities. The independent assessment would address: the current and projected demographics and unique needs of the patient population served by VA; the Department's current and projected health care capabilities and resources; the authorities and mechanisms under which the Secretary may furnish hospital care and medical services at non-VA facilities; the appropriate system-wide access standard applicable to hospital care and medical services furnished by VA; the current organization, processes, and tools used to support clinical staffing; VA's staffing levels and productivity standards; information technology strategies; and, VHA' s business processes. Further, the independent assessment would include: an identification of improvement areas; recommendations for how to address such improvement areas; the business case associated with making such improvements; and findings and supporting analysis on how credible conclusions were established.

It would also require the Secretary to designate a program integrator if VA enters into contracts with more than one private sector entity to conduct the independent assessment. The program integrator would be required to be responsible for coordinating the outcomes of the assessments conducted by the private entities.

Finally, the House amendment would require VA to submit to the Committees a report, no later than 10 months after entering into a contract with a private entity, on the findings of the independent assessment and a subsequent report, no later than 120 days after the date of the submission of the first report, which would be required to include VA's action plan for fully implementing the recommendations of the independent assessment.

Conference Agreement

The Conference substitute adopts the House provision with amendments to broaden the breadth of the assessment to include: VA leadership; access to care; length of stay management; patient experience; workflow; care transitions; mechanisms by which VA ensures timely payments to nonVA care providers; pharmaceutical; supply and device purchasing; distribution and use; scheduling; and medical construction, maintenance and leasing.

The Conferees expect that the assessment will produce outcomes that identify improvement areas outlined both qualitatively and quantitatively, taking into consideration Department of Veterans Affairs' directives and industry benchmarks from outside the Federal Government. The assessment is also expected to provide supporting analysis on how credible conclusions were established. The business cases associated with and the recommendations for how to address these identified improvement areas relating to structure, accountability, process changes, technology, capabilities and usage, staff compliance, training effectiveness, and other relevant drivers of performance are expected to better inform the Commission on Care in its work.

COMMISSION ON CARE

Current Law

Precedent exists for establishing an independent commission in response to concerns regarding the care provided to our nation's servicemembers and veterans. In 2007, ''the President's Commission on Care for America's Returning Wounded Warriors,'' known as the Dole-Shalala Commission, was established in response to reports of substandard conditions and mismanagement at Walter Reed Army Hospital. The subsequent report and recommendations issued by the Dole-Shalala Commission have been critical to improving the health care, benefits, and services available to our nation's veterans in recent years.

Another independent, high-level commission, the Capital Asset Realignment for Enhanced Services (''CARES'') Commission has been utilized in recent history to examine and recommend improvements for addressing a host of challenges facing VHA, such as how best to align VA's health care system to deliver care to veterans.

Physical infrastructure plays a significant role in VA's ability to provide high quality care to veterans. With more than 2 million new veterans enrolling into the VA health care system since 2009, and veterans experiencing extended wait times for appointments, it is essential that VA facility leasing programs and maintenance projects are completed on time and within budget.

Senate Amendment

The Senate amendment would establish a Commission on Access to Care to examine the access of veterans to health care and strategically examine how best to organize VHA, locate health care resources, and deliver health care to veterans. The Commission would be required to report initial findings and recommendations within 90 days of its first meeting, and would be required to provide a final report within 180 days of such meeting.

The Senate amendment would also establish an Independent Commission on Department of Veterans Affairs Construction Projects to review current construction and maintenance projects and the medical facility leasing program in order to identify any issues the Department may be experiencing as it carries out these projects. The Commission would be required to report to the Secretary and Congress not later than 120 days after enactment any recommendations for improving how VA carries out its construction and maintenance projects. Following submission of the Commission's report, the Secretary would have 60 days to submit to Congress a report on the feasibility and advisability of implementing the recommendations of the Commission, including a timeline for the implementation of such recommendations.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision on the Commission on Care with an amendment to include a representative with familiarity with medical facility construction and leasing projects. This amendment would allow the Commission on Care to examine how VA's physical infrastructure impacts VA's ability to provide high quality care to veterans and eliminate the need for a separate Independent Commission on Department of Veterans Affairs Construction Projects. Further, the Conference substitute increases the number of voting members to 15, eliminates non-voting members, and allows for appointment by the Speaker and Minority Leader of the House of Representatives and Majority and Minority Leaders of the Senate. It is the expectation of the Conferees that the membership of the Commission on Care will represent and reflect a bipartisan, cross-section of VHA users.

The Commission on Care may also consider looking at the relationship and communication structure between the VHA and the Veterans Benefits Administration. The Conferees are concerned the two administrations do not communicate and lack synergy to ensure that veterans' benefits and services are rendered in a timely, safe, and veteran focused manner.

TECHNOLOGY TASK FORCE ON REVIEW OF SCHEDULING SYSTEM AND SOFTWARE OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

VHA presently relies on an outpatient scheduling system that is more than 25 years-old. In October 2001, due to an aging system with various limitations that hindered its effectiveness, VHA launched a scheduling replacement initiative. This process was wrought with setbacks, including failed information technology (hereinafter, ''IT'') management and acquisition practices. After expending $127 million on that effort, VA was only able to obtain defective software that could not be fixed and did not achieve the intended goal. Further, reports by GAO and VAOIG have repeatedly highlighted challenges with the use of the Electronic Wait List (hereinafter, ''EWL''), an inability to connect with the consult management system, and other change management challenges regarding training for medical appointment schedulers.

Utilizing the America Competes Reauthorization Act of 2011, VA started the 21st Century Medical Scheduling contest in order to encourage commercial vendors to develop solutions VA can use and to mitigate risks VA identified in previous attempts to replace the existing Medical Scheduling Package. The contest ended on September 30, 2013, and three winners were identified and awarded slightly over $3 million for their efforts. VA is currently pursuing modernization of VistA; thus, there has been renewed focus within the Department on how to improve its functionality and user experiences across the board. VA recently held Industry Days and one-on-one demonstrations with potential vendors in order to choose an off-the-shelf product as part of a long-term scheduling package replacement strategy.

Senate Amendment

The Senate amendment would require VA to review, through the use of a technology task force, the needs of the Department with respect to the scheduling system and scheduling software. The task force would be required to issue a report to propose specific actions that VA can take to improve its scheduling software and determine whether an existing off-the-shelf system would meet the Department's needs within 45 days of enactment. VA would be required to publish the report in the Federal Register and on a publicly accessible website. VA would also be

required to implement any feasible, advisable, and cost-effective recommendations set forth in the report within one year of its receipt.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision. The Conferees expect VA to utilize the Northern Virginia Technology Task Force to implement this section. The Task Force previously provided a pro-bono review for Arlington National Cemetery.

IMPROVEMENT OF ACCESS OF VETERANS TO MOBILE VET CENTERS AND MOBILE MEDICAL CENTERS OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

In May 2014, VHA's Office of Rural Health published a fact sheet reporting that, of the Nation's 22 million veterans, 5.3 million live in rural areas. Currently, there are 70 mobile vet centers operating around the country providing readjustment counseling and information resources to veterans in rural areas. Mobile vet centers in some areas also provide limited telemedicine services. VA, however, has not issued any standard procedures for the operation of mobile vet centers. Currently, regional managers determine how a mobile vet center is employed and utilized. As a result, mobile vet centers are vulnerable to inconsistencies.

In addition to mobile vet centers, VA uses mobile medical units (hereinafter, ''MMUs'') to increase access to care for rural veterans. As of March 2013, VA operated eight MMUs. In May 2014, VAOIG issued an audit of VA MMUs, which found that VA lacked critical information regarding the number, locations, purpose, patient workloads, operation costs, and operations of MMUs. VAOIG recommended that VA improve oversight of MMUs.

Senate Amendment

The Senate amendment would require VA to improve access to health care services, including telemedicine, by standardizing requirements for the operation of mobile vet centers. It would also require the Secretary to submit an annual report to Congress on the use of mobile vet centers as well as recommended improvements for access to telemedicine and health care via mobile vet centers.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision with an amendment to require VA to use MMUs as well as mobile vet centers to improve access to care for veterans, particularly those residing in rural areas.

IMPROVED PERFORMANCE METRICS FOR HEALTH CARE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS

Current Law

Under current law, chapter 45, chapter 53, and other provisions of title 5, U.S.C., VA has the authority to provide awards to certain employees. For example, chapter 45 of title 5, U.S.C., provides VA with authority to grant cash awards to employees in recognition of performance.

Senate Amendment

The Senate amendment would require the Secretary to ensure that scheduling and wait-time metrics are not used as factors in determining the performance of certain employees for purposes of determining whether to pay performance awards to such employees. It would also require the Secretary to remove from the performance goals of any VISN or VA medical center employee, any performance goal that might disincentivize the payment of Department amounts to provide health care through non-VA providers.

The Senate amendment would also require the Secretary to modify the performance plans of the directors of VISNs and VA medical centers to ensure that such plans are based on the quality of care received by veterans at VA medical facilities, including reviews and recommendations concerning such facilities by the VAOIG and the Joint Commission.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

IMPROVED TRANSPARENCY CONCERNING HEALTH CARE PROVIDED BY DEPARTMENT OF VETERANS AFFAIRS

Current Law

VHA operates the largest integrated health care system in the nation, providing care to nearly 6.5 million veterans, survivors, and their dependents every year. According to GAO, between FY 2005 and FY 2012, the number of outpatient medical appointments at VA has increased by roughly 45 percent. VA' s own data on wait times for FY 2010 suggested it was seeing virtually all its primary and specialty care appointments within the 30 days of desired date requirement that had been established in 1995. As a result, in FY 2011, VHA shortened its goal of scheduling both primary and specialty care appointments to 14 days. While VA did not publicly publish data related to wait times, it did attempt to encourage accountability by incorporating the wait-time goal metric into the performance contracts of VISN and VAMC directors.

Senate Amendment

The Senate amendment would require the Secretary to publish wait-times for scheduling an appointment at VA facilities in the Federal Register and on a public website of each medical center within 90 days of the date of enactment of this Act. It would also require VA to publish, on the Internet, current wait times for appointments in primary and specialty care at each VA medical center.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

INFORMATION FOR VETERANS ON THE CREDENTIALS OF DEPARTMENT OF VETERANS AFFAIRS PHYSICIANS

Current Law

In FY 2013, 18,342 physicians; 991 dentists; 50,862 registered nurses; 23,729 licensed practical nurses, licensed vocational nurses, and nurse assistants; and 12,102 non-physician providers delivered care to nearly 6.5 million veterans, survivors, and their dependents. VA makes information regarding its health care providers available to its patients and the public through the ''Our Doctors'' section on the website for each of VA's medical centers. Congressional oversight has determined that these websites contain limited information regarding the credentials for VA's physicians.

Senate Amendment

The Senate amendment would require VA to improve the information available to veterans regarding residency training in the ''Our Doctors'' database located on each VA medical facility's website. It would also require VA to provide information regarding a physician's credentials to a veteran, or an individual acting on behalf of a veteran, prior to undergoing a surgical procedure by or through VA.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

INFORMATION IN ANNUAL BUDGET OF THE PRESIDENT ON HOSPITAL CARE AND MEDICAL SERVICES FURNISHED THROUGH EXPANDED USE OF CONTRACTS FOR SUCH CARE

Current Law

Under current law, section 1105 of title 31, U.S.C., the President submits a budget for the U.S. Government that includes a message, summary and supporting information.

Senate Amendment

The Senate amendment would require the Secretary to include information in the Department's budget submission regarding hospital care and medical services furnished through expanded use of contracts.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

PROHIBITION ON FALSIFICATION OF DATA CONCERNING WAIT TIMES AND QUALITY MEASURES AT DEPARTMENT OF VETERANS AFFAIRS

Current Law

In May 2014, concerns about VA's scheduling practices, including excessive wait times, were identified in the VAOIG's interim report regarding the alleged patient deaths at the Phoenix Health Care System. The results indicated that 1,700 veterans were waiting for a primary care appointment but had not been placed on the EWL. In its report, the VAOIG noted that, as a direct result of not properly placing veterans on the EWL, the leadership at the Phoenix Health Care System had radically understated the amount of time new patients waited for their primary care appointments.

Senate Amendment

The Senate amendment would require VA to establish disciplinary procedures within 60 days of enactment of this Act for employees who knowingly submit false data pertaining to wait times and quality measures or knowingly require another employee of the Department to submit false data concerning such wait times or quality measures to another employee of the Department.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

TITLE III—HEALTH CARE STAFFING, RECRUITMENT, AND TRAINING MATTERS

TREATMENT OF STAFFING SHORTAGE AND BIENNIAL REPORT ON STAFFING OF MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Subsection 3304(a) of title 5, U.S.C., authorizes federal agencies to appoint, without regard to certain hiring preferences and competitive service selection requirements, candidates directly to positions for which a severe shortage of candidates or a critical hiring need has been identified.

VA's own nation-wide access audit determined that VA faces staffing challenges and needs additional health care professionals, such as primary care physicians, specialty care physicians, and administrative and support staff, to improve access to high quality health care for veterans. These reviews and Congressional oversight have identified the federal government's long hiring process as a barrier to recruiting qualified health care professionals to the VA health care system.

Furthermore, GAO and VAOIG have reported that inadequate staffing and gaps in hiring health care professionals at VA medical facilities throughout the country have adverse effects on patient care. These adverse effects include increased wait times and delays in scheduling appointments. Current law, however, is silent on requiring periodic assessments of VA's staffing and succession planning process.

Senate Amendment

The Senate amendment would require VAOIG to annually identify the five occupations of health care providers with the largest staffing shortages and would authorize VA to utilize direct appointment authority to fill such openings in an expedited manner. It would also give priority for VA' s Health Professionals Educational Assistance Program to individuals pursuing a medical degree with the intent to specialize in occupations identified by the VAOIG.

It would also require VA to submit a report to the Committees, not later than 180 days after the date of enactment of and not later than December 31, biennially, thereafter through 2024, on staffing at each VA medical facility. Such report would be required to include: the results of a system-wide assessment of all VA medical facilities, including a plan for addressing any issues identified in such assessment; a list of the current wait times, workload levels, and staffing models for certain clinics; the results of the most current VAOIG findings regarding staffing shortages and VA's plan to use direct appointment authority to fill such staffing shortages; an analysis of succession planning at VA medical facilities; and the number of VA health care providers who have been removed, retired, or left their positions for other reasons.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision with an amendment that would require the Secretary to establish medical residency programs or ensure sufficient numbers of medical residency positions at facilities with existing programs in areas experiencing a shortage of physicians or located in a community that is designated as a health professional shortage area. It would also increase the number of graduate medical education residency positions by up to 1,500 over five years with a priority for primary care, mental health, and other specialties as VA determines appropriate. Finally, it would require an annual report to Congress.

The Conference encourages VA to explore options of partnering with private sector and affiliate hospitals who could potentially provide vacant space to VA for care.

EXTENSION AND MODIFICATION OF CERTAIN PROGRAMS WITHIN THE DEPARTMENT OF VETERANS AFFAIRS HEALTH PROFESSIONALS EDUCATIONAL ASSISTANCE PROGRAM

Current Law

Section 7601, et seq. of title 38, U.S.C., provides VA with authority to carry out the VA Health Professionals Education Assistance Program (hereinafter, ''HPEAP'') to provide scholarships, tuition assistance, debt reduction assistance, and other educational programs to VA health care professionals. HPEAP serves as a recruitment and retention tool for the Department. For example, the Education Debt Reduction Program (hereinafter, ''EDRP''), which provides educational assistance to VHA employees in an effort to maintain staffing levels, has assisted 10,055 individuals from FY 2002 through FY 2013. However, VA has acknowledged EDRP has experienced lower than expected utilization rates because it requires participants to pay student loan expenses upfront which are reimbursed later by the Department. As a result, the number of participants defaulting on their loans and subsequently being removed from the program is higher than anticipated.

Senate Amendment

The Senate amendment contained no similar provision.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute would extend VA's authority to operate HPEAP through December 31, 2019. It would also increase the cap on debt reduction payments to an individual participant from $60,000 to $120,000. These amendments would bring VA's Health Professionals Educational Assistance Program in line with other similar federal programs and ensure VA has the authority to provide appropriate incentives to attract health care professionals.

CLINIC MANAGEMENT TRAINING FOR EMPLOYEES AT MEDICAL FACILITIES OF THE DEPARTMENT OF VETERANS AFFAIRS

Current Law

Timely access to health care requires efficient clinic management. As early as 2005, GAO noted that VHA lacked standardized training programs for scheduling. Further, VHA has no leadership or management training in access to care management. GAO, VAOIG and VA's Office of Medical Inspector have identified standardization of clinic management training regarding availability of providers' schedules as a VA management challenge. Specific VA medical centers that have experienced difficulty with standardized scheduling processes are the VA San Diego Health Care System, the Cheyenne, Wyoming, VA Medical Center, and the Phoenix VA Healthcare System. Moreover, the tone of VHA's directive entitled *Outpatient Scheduling Processes and Procedures* is written in a manner that offers guidance rather than specific policy, seemingly allowing for discretion regarding its implementation.

Senate Amendment

The Senate amendment would require VA to implement a clinic management training program to provide in-person, standardized education on health care management to all VA managers and health care providers. Such training program would be required to include training on: managing the schedules of VA health care providers; the appropriate number of appointments that a VA health care provider should conduct on a daily basis; managing appointments; the proper use of VA' s appointment scheduling system; optimizing the use of technology; and the proper use of physical plant space at VA medical facilities.

It would also require VA to carry out the clinic management training program for two years and would require VA to update training materials on an ongoing basis and provide such training materials to relevant officials, as appropriate. Updating of training materials will need to account for new IT such as a new scheduling system or electronic access to care dash board.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

TITLE IV—HEALTH CARE RELATED TO SEXUAL TRAUMA

EXPANSION OF ELIGIBILITY FOR SEXUAL TRAUMA COUNSELING AND TREATMENT TO VETERANS ON INACTIVE DUTY TRAINING

Current Law

Section 1720D of title 38, U.S.C., requires VA to provide counseling and appropriate care and services to veterans to overcome psychological trauma, which in the judgment of a VA mental health professional, resulted from a physical assault of a sexual nature, battery of a sexual nature, or sexual harassment which occurred while the veteran was serving on active duty or active duty for training (otherwise known as military sexual trauma) (hereinafter, ''MST''). Veterans who experienced MST while serving on active duty or active duty for training are included under this authority. However, veterans who experienced MST while on inactive duty for training—for example, those who were assaulted during weekend drill training for the National Guard and Reserve—are not included.

Senate Amendment

The Senate amendment would amend section 1720D of title 38, U.S.C., to provide VA with the authority to provide counseling, care and services to veterans, and certain other servicemembers who may not have veteran status, who experienced sexual trauma while serving on inactive duty for training.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

PROVISION OF COUNSELING AND TREATMENT FOR SEXUAL TRAUMA BY THE DEPARTMENT OF VETERANS AFFAIRS TO MEMBERS OF THE ARMED FORCES

Current Law

Under current law, section 1720D of title 38, U.S.C., VA has the authority to provide counseling, care and services to veterans who experienced sexual trauma while serving on active duty or active duty for training.

Senate Amendment

The Senate amendment would expand eligibility for care and services for MST at a VA facility to active duty servicemembers. Active duty servicemembers would not be required to initially be seen by DOD and receive a referral before seeking treatment at a VA facility for MST. It would take effect on the date that is one year after the date of enactment.

House Amendment

The House amendment contains no similar provision.

Conference Agreement

The Conference substitute adopts the Senate position.

REPORTS ON MILITARY SEXUAL TRAUMA

Current Law

Section 1720D of title 38, U.S.C., states that ''each year, the Secretary shall submit to Congress an annual report on the counseling, care, and services provided to veterans pursuant to this section.'' However, there is no language requiring an assessment.

Senate Amendment

The Senate amendment would require the VA–DOD Joint Executive Committee to conduct an annual assessment for the next five years of the processes and procedures regarding the transition and continuum of care from the DOD to VA for individuals who have experienced MST. The assessment would also include the processes and collaboration by the agencies to assist individuals filing a claim for MST related disability. Additionally, VA would be required to submit a report to Congress no later than 630 days from the date of enactment of the Act on the treatment and services available for male veterans who experience MST compared to such treatment and services available to female veterans. It would take effect on the date that is 270 days after the date of enactment of the Act.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

TITLE V—OTHER HEALTH CARE MATTERS

EXTENSION OF PILOT PROGRAM ON ASSISTED LIVING SERVICES FOR VETERANS WITH TRAUMATIC BRAIN INJURY

Current Law

Section 1705 of Public Law 110–181, the ''National Defense Authorization Act for Fiscal Year 2008,'' requires: (1) VA, in collaboration with the Defense and Veterans Brain Injury Center, to carry out a five-year pilot program to assess the effectiveness of providing assisted living services to veterans with traumatic brain injury (hereinafter, ''TBI'') to enhance their rehabilitation, quality of life, and community integration; (2) at least one part of the pilot program to be carried out in a VISN that contains a VA polytrauma center; (3) special consideration to be given to veterans in rural areas; and, (4) VA to report to the Committees on the pilot program. To comply with this requirement, VA awarded a national contract to 20 contractors at more than 150 sites of care across the U.S. However, statutory authority for this pilot program expires on September 30, 2014.

Senate Amendment

The Senate amendment contains no similar provision.

House Amendment

The House amendment contains no similar provision.

Conference Agreement

The Conference agreement extends the statutory authority for VA to operate the pilot program from September 30, 2014, to October 6, 2017.

TITLE VI—MAJOR MEDICAL FACILITY LEASES

AUTHORIZATION OF MAJOR MEDICAL FACILITY LEASES

Current Law

Under current law, section 8104 of title 38, U.S.C., Congressional authorization is required prior to entering into any VA major medical facility lease that has an average annual rent of $1,000,000 or above.

Senate Amendment

The Senate amendment would authorize VA to enter into 26 major medical facility leases in 17 states and Puerto Rico.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision with an amendment to include a lease authorization for a VA community-based outpatient clinic in Tulsa, Oklahoma, in an amount not to exceed $13.27 million. In enacting such leases, the Conferees would like the Secretary to consider any potential cost, energy and schedule savings that might be offered by standardized design elements and off-site construction methods, including prefabricated components and panelized structures.

BUDGETARY TREATMENT OF DEPARTMENT OF VETERANS AFFAIRS MAJOR MEDICAL FACILITIES LEASES

Current Law

Section 8104 of title 38, U.S.C., requires authorization of any major medical facility construction project or lease. Subsections (a)(l)(A) and (a)(l)(B) of section 1341 of title 31, U.S.C., prohibit any government employee from entering into contracts, or making or authorizing expenditures and obligations that exceed the amount of appropriated funds for such expenditures.

Appendix B of the Office of Management and Budget's (hereinafter, ''OMB'') Circular A–11 (hereinafter, ''Circular'') describes the processes through which budgetary treatment of leasepurchase and leases of capital assets will be consistent with scorekeeping rules originally promulgated in connection with the Budget Enforcement Act of 1990 and the Anti-Deficiency Act. According to the Circular, at the time an Agency enters into a binding commitment, the Agency must obligate sufficient budget authority to cover associated legal obligations to the government, consistent with the requirements of the Anti-Deficiency Act. For lease-purchases or capital leases, this consists of the net present value of the total estimated legal obligations over the entire life of the contract. For operating leases, this can consist of either an amount sufficient to cover the lease payments for the first year plus a sufficient amount to cover any costs associated with cancellation of the contract, if the contract includes a cancellation clause, or an amount sufficient to cover the annual lease payment, if the lease is funded through a self-insuring fund such as the General Services Administration's Federal Building Fund.

After receiving information about how VA has exercised the authority provided in prior VA major medical facilities leasing authorizations, the Congressional Budget Office (hereinafter, ''CBO'') concluded in 2012 that VA has been entering into binding obligations for the full period of the lease, without regard to the scorekeeping rules contained in the Circular.

Senate Amendment

The Senate amendment would require the funding prospectus of a proposed lease to include a detailed analysis of how the lease is expected to comply with OMB's Circular and the AntiDeficiency Act. It also directs VA, at least 30 days before entering into a lease, to submit to the Committees: (1) notice of the intention to enter into, and a detailed summary of, such lease; (2) a description and analysis of any differences between the lease prospectus submitted and the proposed lease; and (3) a scoring analysis demonstrating that the proposed lease fully complies with OMB's Circular. VA must also report any material differences between the proposed lease and the lease entered, no later than 30 days after entering into a lease.

House Amendment

The House amendment contains no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

TITLE VII—OTHER VETERANS MATTERS

EXPANSION OF MARINE GUNNERY SERGEANT JOHN DAVID FRY SCHOLARSHIP

Current Law

Public Law 111–32, the ''Supplemental Appropriations Act of 2009,'' amended the Post–9/11 GI Bill to establish the Marine Gunnery Sergeant John David Fry Scholarship for the children of servicemembers who died in the line of duty after September 10, 2001. Eligible children are entitled to 36 months of benefits at the 100 percent level and may use the benefit until their 33rd birthday.

Currently, surviving spouses of servicemembers who died in the line of duty are only eligible to receive survivors' and dependents' educational assistance (hereinafter, ''Chapter 35''). Chapter 35 benefits provide a spouse up to $1,003 per month as a full-time college student, which may require the spouse to find other sources of income or funding to offset the high cost of education. Additionally, recipients of Chapter 35 do not receive a separate living allowance.

Senate Amendment

The Senate amendment would expand the Marine Gunnery Sergeant John David Fry Scholarship to include surviving spouses of members of the Armed Forces who died or die in the line of duty after September 10, 2001. It would amend subsection (b)(9) of section 3311 of title 38, U.S.C., to expand the ability to receive the Marine Gunnery Sergeant John David Fry Scholarship to surviving spouses. It would limit the entitlement of the surviving spouse to the date that is 15 years after the date of the servicemember's death or the date the surviving spouse remarries, whichever is earlier. Further, a surviving spouse, who is entitled both under amended section 3311 and under Chapter 35, would be required to make an irrevocable election to receive educational assistance under either amended section 3311 or Chapter 35. Finally, this provision would make a necessary conforming amendment to subsection (b)(4) of section 3321 of title 38, U.S.C.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate position with an effective date of January 1, 2015.

APPROVAL OF COURSES OF EDUCATION PROVIDED BY PUBLIC INSTITUTIONS OF HIGHER LEARNING FOR PURPOSES OF ALL-VOLUNTEER FORCE EDUCATIONAL ASSISTANCE PROGRAM AND POST–9/11 EDUCATIONAL ASSISTANCE CONDITIONAL ON IN-STATE TUITION RATE FOR VETERANS

Current Law

Section 3313 of title 38, U.S.C., authorizes VA to pay in-state tuition and fees for veterans attending a public educational institution using their Post–9/11 GI Bill educational benefits. However, a veteran may not always qualify for in-state tuition rates.

Several states currently assist all or certain veterans by recognizing them as in-state students for purposes of attending a public educational institution, regardless of length of residency in the state where the veteran is attending college. Yet, many states require transitioning veterans to meet stringent residency requirements before they can be considered in-state residents. Federal law is silent on this matter.

Recently-separated veterans may not be able to meet state residency requirements where they choose to attend school because they were stationed elsewhere during their military service, and once enrolled, they may not be able to legally establish residency because of their status as full-time

students. The federal educational assistance provided to veterans by VA was designed, in part, to help them develop the skills and background necessary to make a successful transition from military service to a civilian life and career.

Senate Amendment

The Senate amendment would amend section 3679 of title 38, U.S.C., by adding a new subsection (c) to require VA to disapprove courses of education provided by public institutions of higher learning that charge tuition and fees at more than the in-state resident rate for veterans within three years from discharge from a period of at least 90 days service in the military, irrespective of the veteran's current state of residence, if the veteran is living in the state in which the institution is located while pursuing that course of education. Pursuant to subsection (c), this provision would apply to veterans using the educational assistance programs administered by VA under chapters 30 and 33 of title 38, U.S.C., and to dependent beneficiaries using Post–9/11 GI Bill benefits during the three years after the veteran's discharge. If the veteran or dependent enrolls within three years after the veteran's discharge, the requirement to charge no more than the in-state tuition rate would apply for the duration the individual remains continuously enrolled at the institution.

Subsection (c)(4) would permit a public educational institution to require a covered individual to demonstrate an intent, by means other than satisfying a physical presence requirement, to eventually establish residency in that state or to meet requirements unrelated to residency in order to be eligible for the in-state tuition rate. This section would also provide VA discretion to waive the established requirements in a circumstance where it is deemed appropriate in regards to approval of a specific course of education. Any disapproval of courses pursuant to these new requirements would apply only with respect to benefits provided under chapters 30 and 33 of title 38. This provision would apply to programs of education that begin during academic terms after July 1, 2015.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

EXTENSION OF REDUCTION IN AMOUNT OF PENSION FURNISHED BY DEPARTMENT OF VETERANS AFFAIRS FOR CERTAIN VETERANS COVERED BY MEDICAID PLANS FOR SERVICES FURNISHED BY NURSING FACILITIES

Current Law

Section 5503 of title 38, U.S.C., sets forth the criteria under which eligibility for income-based pension payments and aid and attendance allowances are affected by domiciliary or nursing home residence. In instances where a veteran, or surviving spouse, has neither a spouse nor a child, and is receiving Medicaid-covered nursing home care, the veteran or surviving spouse is eligible to receive no more than $90 per month in VA pension or death pension payments. Under current law, this authority shall expire on November 30, 2016. This authority has been extended several times, most recently pursuant to Public Law 112–260, the ''Dignified Burial and Other Veterans' Benefits Improvement Act of 2012.''

Senate Amendment

The Senate amendment contains no similar provision.

House Amendment

The House amendment contains no similar provision.

Conference Agreement

The Committee substitute would amend section 5503(d)(7) to extend, through September 30, 2024, current eligibility restrictions for recipients of a VA pension who receive Medicaid-covered nursing home care. The VA pension program should not be used to subsidize other federal benefit programs. Further, pension recipients should have available funds for incidentals and personal expenses.

EXTENSION OF REQUIREMENT FOR COLLECTION OF FEES FOR HOUSING LOANS GUARANTEED BY SECRETARY OF VETERANS AFFAIRS

Current Law

Under VA's home loan guaranty program, VA may guarantee a loan made to eligible servicemembers, veterans, reservists, and certain un-remarried surviving spouses for the purchase (or refinancing) of houses, condominiums, and manufactured homes. Section 3729(b)(2) of title 38, U.S.C., sets forth a loan fee table that lists funding fees, expressed as a percentage of the loan amount, for different types of loans.

Senate Amendment

The Senate amendment contains no similar provision.

House Amendment

The House amendment contains no similar provision.

Conference Agreement

The Committee substitute would extend VA's authority to collect certain funding fees through September 30, 2024, by amending the fee schedule set forth in section 3729(b)(2) of title 38, U.S.C.

LIMITATION ON AWARDS AND BONUSES PAID TO EMPLOYEES OF DEPARTMENT OF VETERANS AFFAIRS

Current Law

Under current law, chapter 45, chapter 53, and other provisions of title 5, U.S.C., VA has the authority to provide awards to certain employees. For example, chapter 45 of title 5 provides VA with authority to grant cash awards to employees in recognition of performance.

Senate Amendment

The Senate amendment contained no similar provision.

House Amendment

The House amendment would, for each of FYs 2014 through 2016, prohibit the Secretary from paying awards or bonuses under chapters 45 or 53 of title 5, U.S.C., or any other awards or bonuses authorized under such title.

Conference Agreement

The Conference substitute adopts the House provision with an amendment that would, for each of FYs 2014 through 2024, cap the amount of awards or bonuses payable under chapter 45 or 53 of title 5, U.S.C., or any other awards or bonuses authorized under such title, at $360 million. It is the Conferees' expectation that this cap not disproportionately impact lower-wage employees.

EXTENSION OF AUTHORITY TO USE INCOME INFORMATION

Current Law

Certain benefit programs administered by VA, including pension for wartime veterans and compensation for Individual Unemployability are available only to beneficiaries whose annual income is below a certain level. VA must have access to verifiable income information in order to ensure that those receiving benefits under its income-based programs are not earning a greater annual income than the law permits.

Section 6103(1)(7)(D) of title 26, U.S.C., authorizes the release of certain income information by the Internal Revenue Service (hereinafter, ''IRS'') or the Social Security Administration (hereinafter, ''SSA'') to VA for the purposes of verifying income of applicants for VA needs-based benefits. Section 5317(g) of title 38, U.S.C., provides VA with temporary authority to obtain and use this information. Under current law, this authority expires on September 30, 2016.

Senate Amendment

The Senate amendment contains no similar provision.

House Amendment

The House amendment contains no similar provision.

Conference Agreement

The Committee substitute would extend for eight years, until September 30, 2024, VA's authority to obtain information from the IRS or the SSA for income verification purposes for needs-based benefits.

REMOVAL OF SENIOR EXECUTIVE OF THE DEPARTMENT OF VETERANS AFFAIRS FOR PERFORMANCE OR MISCONDUCT.

Current Law

Under current law, section 7543 of title 5, U.S.C., career appointees in the Senior Executive Service (hereinafter, ''SES'') may be removed from government service for misconduct, neglect of duty, malfeasance, or failure to accept a directed reassignment or to accompany a position in a transfer of function. Senior executives removed as a result of these conduct-related issues are entitled to certain rights, including at least 30 days advance written notice; a reasonable time but not less than seven days to reply; representation by an attorney or other representative; a written decision from the agency involved; and appeal rights to the Merit Systems Protection Board (hereinafter, ''MSPB'').

Under current law, section 3592 of title 5, U.S.C., career appointees in the SES may be removed from the SES and placed into a non-SES position for performance-related issues. This removal may occur at any time during a one-year probationary period or at any time for less than fully successful executive performance. Generally, senior executives removed from the SES and placed into a civil service position are entitled to an informal hearing before the MSPB.

Also under current law, section 3592(b) of title 5, U.S.C., there is a 120–day moratorium from removing a career appointee in the SES following the appointment of the head of the agency or the SES employee's immediate supervisor.

Senate Amendment

The Senate amendment would provide the Secretary with the authority to remove or demote any individual from the SES if the Secretary determines the performance of the individual warrants such removal and requires the Secretary to notify Congress within 30 days of removing or demoting a senior executive under this authority. The senior executive would be allowed an opportunity for an expedited review by the MSPB. Under such expedited appeal, the senior executive would have seven days to appeal a removal or demotion and the MSPB would be required to adjudicate the appeal within 21 days.

The MSPB would be required to establish and implement a process to conduct expedited reviews and submit to Congress a report on their established process within 30 days of enactment.

The Senate amendment would also provide authority for the Secretary to immediately remove senior executives notwithstanding the 120–day moratorium in current law.

House Amendment

The House amendment would provide the Secretary with the authority to remove or demote any individual from the SES if the Secretary determines the performance of the individual warrants such removal and requires the Secretary to notify Congress within 30 days of removing or demoting a senior executive under this authority.

Conference Agreement

The Conference substitute generally adopts the Senate provision with an amendment to change the level of review at the MSPB. The substitute requires that the expedited review by the MSPB be conducted by an Administrative Judge at the MSBP, and if the MSPB Administrative Judge does not conclude their review within 21 days then the removal or demotion is final. The substitute does not allow for any further appeal beyond the Administrative Judge, and does not allow for a second level review by the three-person board at the MSPB. The substitute also requires that if the senior executive is removed, and then appeals VA's decision, the senior executive is not entitled to any type of pay, bonus, or benefit while appealing the decision of removal. Furthermore, the substitute requires that if a senior executive is demoted, and then appeals VA's decision, the employee may only receive any type of pay, bonus, or benefit at the rate appropriate for the position they were demoted to, and only if the individual shows up for duty, while appealing the decision of demotion. The substitute requires that the MSPB submit to Congress a plan within 14 days of enactment of how the expedited review would be implemented. The substitute also adds language to include title 38 SES equivalents under this new authority and includes ''misconduct'' along with ''poor performance'' as a reason to remove or demote a senior executive.

TITLE VIII—OTHER MATTERS

APPROPRIATION OF AMOUNTS

Current Law

Congress uses an appropriation to provide funding for discretionary spending programs of the Federal government.

Senate Amendment

The Senate amendment would authorize and appropriate for FYs 2014, 2015, and 2016, the emergency funds necessary to carry out this Act.

In addition, the Senate amendment would make available, at the end of FYs 2014 and 2015, unobligated balances in VA's medical care accounts (medical services, medical support and compliance, and medical facilities) for the hiring of additional health care professionals.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute authorizes and appropriates $5 billion to increase veterans access to care through the hiring of physicians and other medical staff and by improving VA's physical infrastructure.

VETERANS CHOICE FUND

Current Law

There is no provision of law establishing a Veterans Choice Fund.

Senate Amendment

The Senate amendment contained no similar provision.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute establishes in the Treasury a fund to be known as the Veterans Choice Fund to carry out the expanded availability of hospital care and medical services for veterans created by section 101 of the Conference substitute. The Conference substitute also authorizes and appropriates $10 billion for deposit in the Veterans Choice Fund.

EMERGENCY DESIGNATIONS

Current Law

Congress may exempt the budgetary effects of a provision from certain enforcement procedures by designating it as an emergency requirement. An emergency designation causes the spending and revenue effects estimated to result from such bills as exempt for purposes of enforcing budget procedures.

Senate Amendment

The Senate amendment would designate this Act as an emergency requirement under the Statutory Pay-As-You-Go Act of 2010 and the Concurrent Resolution on the budget for FY 2010.

House Amendment

The House amendment contained no similar provision.

Conference Agreement

The Conference substitute adopts the Senate provision.

JEFF MILLER,
DOUG LAMBORN,
DAVID P. ROE,
BILL FLORES,
DAN BENISHEK,
MIKE COFFMAN,
BRAD R. WENSTRUP,
JACKIE WALORSKI,
MICHAEL H. MICHAUD,
CORRINE BROWN,
MARK TAKANO,
JULIA BROWNLEY,
ANN KIRKPATRICK,
TIMOTHY J. WALZ,
Managers on the part of the House.

BERNARD SANDERS,
JOHN D. ROCKEFELLER IV,
PATTY MURRAY,
SHERROD BROWN,
JON TESTER,
MARK BEGICH,
RICHARD BLUMENTHAL,
MAZIE K. HIRONO,
RICHARD BURR,
JOHNNY ISAKSON,
MIKE JOHANNS,
JOHN MCCAIN,
TOM COBURN,
MARCO RUBIO,
Managers on the part of the Senate.

COMPLIANCE WITH RULES OF THE HOUSE OF REPRESENTATIVES AND SENATE REGARDING EARMARKS AND CONGRESSIONALLY DIRECTED SPENDING ITEMS

Pursuant to clause 9 of rule XXI of the Rules of the House of Representatives and rule XLIV of the Standing Rules of the Senate, neither this Conference report nor the accompanying joint statement of Conferees contains any congressional earmarks, congressionally directed spending items, limited tax benefits, or limited tariff benefits, as defined in such rules.

For consideration of the House amendment and the Senate amendment, and modifications committed to conference:

JEFF MILLER of Florida,
DOUG LAMBORN,
DAVID P. ROE of Tennessee,
BILL FLORES,
DAN BENISHEK,
MIKE COFFMAN,
BRAD R. WENSTRUP,
JACKIE WALORSKI,
MICHAEL H. MICHAUD,
CORRINE BROWN of Florida,
MARK TAKANO,
JULIA BROWNLEY of California,
ANN KIRKPATRICK,
TIMOTHY J. WALZ,
Managers on the part of the House.

BERNARD SANDERS,
JOHN D. ROCKEFELLER IV,
PATTY MURRAY,
SHERROD BROWN,
JON TESTER,
MARK BEGICH,
RICHARD BLUMENTHAL,
MAZIE K. HIRONO,
RICHARD BURR,
JOHNNY ISAKSON,
MIKE JOHANNS,
Managers on the past of the Senate.

The SPEAKER pro tempore. Under clause 8 of rule XXII, the filing of the conference report on H.R. 3230 has vitiated the motion to instruct offered by the gentleman from West Virginia (Mr. RAHALL), which was debated on July 25, 2014, and on which further proceedings were postponed.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. CULBERSON (at the request of Mr. CANTOR) for today on account of family obligations.

ENROLLED BILL SIGNED

Karen L. Haas, Clerk of the House, reported and found truly enrolled a bill of the House of the following title, which was thereupon signed by the Speaker:

H.R. 3212. An act to ensure compliance with the 1980 Hague Convention on the Civil Aspects of International Child Abduction by countries with which the United States enjoys reciprocal obligations, to establish procedures for the prompt return of children abducted to other countries, and for other purposes.

SENATE ENROLLED BILL SIGNED

The Speaker announced his signature to an enrolled bill of the Senate of the following title:

S. 517. An act to promote consumer choice and wireless competition by permitting consumers to unlock mobile wireless devices, and for other purposes.

ADJOURNMENT

Mr. MILLER of Florida. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 28 minutes p.m.), under its previous order, the House adjourned until tomorrow, Tuesday, July 29, 2014, at 10 a.m. for morning-hour debate.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XIV, executive communications were taken from the Speaker's table and referred as follows:

6640. A letter from the Deputy Secretary, Securities and Exchange Commission, transmitting the Commission's ''Major'' final rule — Money Market Fund Reform: Amendments to Form PF [Release No.: 33-9616, IA-3879; IC-31166; FR-84; File No. S7-03-13] (RIN: 3235-AK61) received July 24, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Financial Services.

6641. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final priorities. National Institute on Disability and Rehabilitation Research--Rehabilitation Research and Training Centers [CDFA Numbers: 84.133B-6 and 84.133B-7] [ED-2014-OSERS-0012] received July 22, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6642. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final priority. National Institute on Disability and Rehabilitation Research--Rehabilitation Research and Training Centers [CDFA Number: 84.133P-5] [Docket ID: ED-2014-OSERS-0011] received July 22, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6643. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Department of Education Acquisition Regulation [Docket ID: ED-2013-OCFO-0078] (RIN: 1890-AA18) received July 23, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6644. A letter from the Acting Assistant General Counsel for Regulatory Services, Department of Education, transmitting the Department's final rule — Final priorities, requirements, and definitions--Charter Schools Program (CSP) Grants for National Leadership Activities [CDFA Number: 84.282N] received July 23, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Education and the Workforce.

6645. A letter from the Director, Defense Security Cooperation Agency, transmitting Transmittal No. 14-24, Notice of Proposed Issuance of Letter of Offer and Acceptance, pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended; to the Committee on Foreign Affairs.

6646. A letter from the Assistant Secretary, Legislative Affairs, Department of State, transmitting a waiver determination; to the Committee on Foreign Affairs.

6647. A letter from the Secretary, Department of the Treasury, transmitting as required by section 401(c) of the National Emergencies Act, 50 U.S.C. 1641(c), and section 204(c) of the International Emergency Economic Powers Act, 50 U.S.C. 1703(c), a six-month periodic report on the national emergency with respect to terrorists who threaten to disrupt the Middle East peace process that was declared in Executive Order 12947 of January 23, 1995; to the Committee on Foreign Affairs.

6648. A communication from the President of the United States, transmitting a report on armed forces support to the security of the U.S. personnel in Libya; (H. Doc. No. 113—138); to the Committee on Foreign Affairs and ordered to be printed.

6649. A letter from the Director, Office of Personnel Management, transmitting the Office's final rule — Federal Employees Dental and Vision Insurance Program; Qualifying Life Event Amendments (RIN: 3206-AM57) July 24, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Oversight and Government Reform.

6650. A letter from the Director, Administrative Office of the United States Courts, transmitting the 2013 Report of Statistics Required by the Bankruptcy Abuse Prevention and Consumer Protection Act of 2005; to the Committee on the Judiciary.

6651. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone, Atlantic Ocean; Ocean City, NJ [Docket No.: USCG-2014-0494] (RIN: 1625-AA00) received July 17, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6652. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Annual Events in the Captain of the Port Zone Buffalo [Docket No.: USCG-2014-0081] (RIN: 1625-AA00) received July 17, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6653. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zone; Independence Day Celebration Fireworks, Lake Ontario, Oswego, NY [Docket No.: USCG-2014-0473] (RIN: 1625-AA00) received July 17, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6654. A letter from the Attorney Advisor, Department of Homeland Security, transmitting the Department's final rule — Safety Zones; Fourth of July Fireworks Displays within the Captain of the Port Charleston Zone, SC [Docket No.: USCG-2014-0471] (RIN: 1625-AA00) received July 17, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Transportation and Infrastructure.

6655. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Partnerships; Start-up Expenditures; Organization and Syndication Fees [TD 9681] (RIN: 1545-BL06) received July 24, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6656. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Basis of Indebtedness of S Corporations to their Shareholders [TD 9682] (RIN: 1545-BG81) received July 24, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6657. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Mixed Straddles; Straddle-by-Straddle Identification Under Section 1092 [TD 9678] (RIN: 1545-BK99) received July 18, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6658. A letter from the Chief, Publications and Regulations, Internal Revenue Service, transmitting the Service's final rule — Allocation and Apportionment of Interest Expense [TD 9676] (RIN: 1545-BJ59) received July 22, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6659. A letter from the Chief, Publications and Regulations Branch, Internal Revenue Service, transmitting the Service's final rule — Update for Weighted Average Interest Rates, Yield Curves, and Segment Rates [Notice 2014-43] received July 18, 2014, pursuant to 5 U.S.C. 801(a)(1)(A); to the Committee on Ways and Means.

6660. A letter from the Board Members, the Federal Old-Age And Survivors Insurance And Federal Disability Insurance Trust Funds, transmitting the 2014 Annual Report of the Board of Trustees of the Federal Old-Age and Survivors Insurance and the Federal Disability Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 113—139); to the Committee on Ways and Means and ordered to be printed.

6661. A letter from the Board of Trustees, Federal Hospital Insurance and Federal Supplementary Medical Insurance Trust Funds, transmitting the 2014 Annual Report Of The Boards Of Trustees Of The Federal Hospital Insurance And Federal Supplementary Medical Insurance Trust Funds, pursuant to 42 U.S.C. 401(c)(2), 1395i(b)(2), and 1395t(b)(2); (H. Doc. No. 113—140); jointly to the Committees on Ways and Means and Energy and Commerce, and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. ROYCE: Committee on Foreign Affairs. H.R. 1771. A bill to improve the enforcement of sanctions against the Government of North Korea, and for other purposes; with an amendment (Rept. 113–560, Pt. 1). Referred to the Committee of the Whole House on the state of the Union.

Mr. SESSIONS: Committee on Rules. House Resolution 676. A resolution providing for authority to initiate litigation for actions by the President or other executive branch officials inconsistent with their duties under the Constitution of the United States; with an amendment (Rept. 113–561, Pt. 1). Referred to the House Calendar.

Mr. ISSA: Committee on Oversight and Government Reform. H.R. 3635. A bill to ensure the functionality and security of new Federal websites that collect personally identifiable information, and for other purposes; with an amendment (Rept. 113–562). Referred to the Committee of the Whole House on the state of the Union.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 693. A resolution providing for consideration of the bill (H.R. 4315) to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species of threatened species, and for other purposes (Rept. 113–563). Referred to the House Calendar.

Mr. MILLER of Florida: Committee of Conference. Conference report on H.R. 3230. A bill making continuing appropriations during a Government shutdown to provide pay and allowances to members of the reserve components of the Armed Forces who perform inactive-duty training during such period (Rept. 113–564). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Ways and Means, the Judiciary, Financial Services, and Oversight and Government Reform discharged from further consideration. H.R. 1771 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on House Administration discharged from further consideration. House Resolution 676 referred to the House Calendar, and ordered to be printed.

Mr. BISHOP of Utah: Committee on Rules. House Resolution 693. A resolution providing for consideration of the bill (H.R. 4315) to amend the Endangered Species Act of 1973 to require publication on the Internet of the basis for determinations that species are endangered species of threatened species, and for other purposes (Rept. 113–563). Referred to the House Calendar.

Mr. MILLER of Florida: Committee of Conference. Conference report on H.R. 3230. A bill making continuing appropriations during a Government shutdown to provide pay and allowances to members of the reserve components of the Armed Forces who perform inactive-duty training during such period (Rept. 113–564). Ordered to be printed.

DISCHARGE OF COMMITTEE

Pursuant to clause 2 of rule XIII, the Committees on Ways and Means, the Judiciary, Financial Services, and Oversight and Government Reform discharged from further consideration. H.R. 1771 referred to the Committee of the Whole House on the state of the Union.

Pursuant to clause 2 of rule XIII, the Committee on House Administration discharged from further consideration. House Resolution 676 referred to the House Calendar, and ordered to be printed.

PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. WALBERG:

H.R. 5212. A bill to amend title 18, United States Code, with respect to civil asset forfeiture, and for other purposes; to the Committee on the Judiciary.

By Mr. RENACCI (for himself, Mr. SCHRADER, Ms. JENKINS, and Mr. COSTA):

H.R. 5213. A bill to amend the Internal Revenue Code of 1986 to simplify the treatment of seasonal positions for purposes of the employer shared responsibility requirement; to the Committee on Ways and Means.

By Mr. OLSON:

H.R. 5214. A bill to require the Secretary of Health and Human Services to provide for recommendations for the development and use of clinical data registries for the improvement of patient care; to the Committee on Energy and Commerce.

By Ms. BONAMICI:

H.R. 5215. A bill to provide for the restoration of Federal recognition to the Clatsop-Nehalem Confederated Tribes of Oregon, and for other purposes; to the Committee on Natural Resources.

By Mr. BLUMENAUER (for himself and Ms. BONAMICI):

H.R. 5216. A bill to amend the Federal Water Pollution Control Act to establish within the Environmental Protection Agency a Columbia River Basin Restoration Program; to the Committee on Transportation and Infrastructure, and in addition to the Committee on the Budget, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. CASTRO of Texas:

H.R. 5217. A bill to support afterschool and out-of-school-time science, technology, engineering, and mathematics programs, and for other purposes; to the Committee on Science, Space, and Technology.

By Mr. CLAY:

H.R. 5218. A bill to amend the Public Health Service Act to establish a National Organ and Tissue Donor Registry Resource Center, to authorize grants for State organ and tissue donor registries, and for other purposes; to the Committee on Energy and Commerce.

By Mr. GARCIA (for himself, Mr. POLIS, and Mr. CÁRDENAS):

H.R. 5219. A bill to promote innovative practices for the education of English learners and to help States and local educational agencies with English learner populations build capacity to ensure that English learners receive high-quality instruction that enables them to become proficient in English, access the academic content knowledge needed to meet State challenging academic content standards, and be prepared for post-secondary education and careers; to the Committee on Education and the Workforce.

By Mr. GRAVES of Missouri:

H.R. 5220. A bill to amend the Land and Water Conservation Fund to limit the use of funds available from the Land and Water Conservation Fund Act of 1965 to use for maintenance; to the Committee on Natural Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. HINOJOSA (for himself, Mr. VELA, Mr. MICHAUD, Mr. CUELLAR, Ms. EDDIE BERNICE JOHNSON of Texas, and Mr. GRIJALVA):

H.R. 5221. A bill to establish grant programs to improve the health of border area residents and for all hazards preparedness in the border area including bioterrorism, infectious disease, and noncommunicable emerging threats, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on Foreign Affairs, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Ms. KELLY of Illinois:

H.R. 5222. A bill to increase the unit cap on the rental assistance demonstration of the Department of Housing and Urban Development, and for other purposes; to the Committee on Financial Services.

By Mr. MCDERMOTT:

H.R. 5223. A bill to amend the Public Health Service Act to authorize grants to States for the purpose of assisting the States in operating an RDOCS program in order to provide for the increased availability of primary health care services in health professional shortage areas; to the Committee on Energy and Commerce.

By Mr. MCDERMOTT:

H.R. 5224. A bill to amend title 38, United States Code, to establish a scholarship program to increase the availability of physicians who provide primary health care services at medical facilities of the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Ms. NORTON:

H.R. 5225. A bill to direct the Administrator of General Services to redevelop the Department of Energy Forrestal Complex in the District of Columbia, and for other purposes; to the Committee on Transportation and Infrastructure.

By Mr. PERRY (for himself, Mr. ROHRABACHER, Mr. COHEN, and Mr. BROUN of Georgia):

H.R. 5226. A bill to amend the Controlled Substances Act to exclude therapeutic hemp and cannabidiol from the definition of marihuana, and for other purposes; to the Committee on Energy and Commerce, and in addition to the Committee on the Judiciary, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mr. SCHOCK (for himself and Mr. TURNER):

H.R. 5227. A bill to enable hospital-based nursing programs that are affiliated with a hospital to maintain payments under the Medicare program to hospitals for the costs of such programs; to the Committee on Ways and Means.

By Mr. VEASEY (for himself, Mr. HINOJOSA, Mr. GUTIÉRREZ, Mr. VELA, Ms. JACKSON LEE, and Mr. GENE GREEN of Texas):

H.R. 5228. A bill to amend section 240(c)(7)(C) of the Immigration and Nationality Act to eliminate the time limit on the filing of a motion to reopen a removal proceeding if the basis of the motion is fraud, negligence, misrepresentation, or extortion by, or the attempted, promised, or actual practice of law without authorization on the part of, a representative; to the Committee on the Judiciary.

By Mr. FLEMING:

H. Res. 692. A resolution expressing the sense of the House of Representatives regarding actions the President should take to secure the borders of the United States; to the Committee on the Judiciary, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause 7 of rule XII of the Rules of the House of Representatives, the following statements are submitted regarding the specific powers granted to Congress in the Constitution to enact the accompanying bill or joint resolution.

By Mr. WALBERG:

H.R. 5212.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 9 of the Constitution of the United States; the power to constitute Tribunals inferior to the Supreme Court.

The purpose of the bill is to amend the civil asset forfeiture procedures and Section 8, Clause 9 extends to Congress the power to create inferior courts and to make rules of procedure and evidence for such courts.

By Mr. RENACCI:

H.R. 5213.

Congress has the power to enact this legislation pursuant to the following:

U.S. Constitution, Article I, Section 8, Clause 1

Within the Enumerated Powers of the U.S. Constitution, Congress is granted the power to law and collect taxes. This provision grants Congress the authority over this partiuclar piece of legislation.

By Mr. OLSON:

H.R. 5214.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 18.

By Ms. BONAMICI:

H.R. 5215.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 3

By Mr. BLUMENAUER:

H.R. 5216.

Congress has the power to enact this legislation pursuant to the following:

The Constitution of the United States provides clear authority for Congress to pass legislation to provide for the general welfare of the United States. Article I of the Constitution, in detailing Congressional authority, provides that ''Congress shall have Power to provide for the . . . general Welfare of the United States. . . .'' This legislation is

introduced pursuant to that grant of authority.

By Mr. CASTRO of Texas:

H.R. 5217.

Congress has the power to enact this legislation pursuant to the following:

THE U.S. CONSTITUTION

ARTICLE I, SECTION 8: POWERS OF CONGRESS

CLAUSE 18

The Congress shall have power . . . To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof.

By Mr. CLAY:

H.R. 5218.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the U.S. Constitution.

By Mr. GARCIA:

H.R. 5219.

Congress has the power to enact this legislation pursuant to the following:

Article I, section 8, clause 3 of the U.S. Constitution

Article I, section 8, clause 18 of the U.S. Constitution

By Mr. GRAVES of Missouri:

H.R. 5220.

Congress has the power to enact this legislation pursuant to the following:

Article IV, Section 3, Clause 2 of the Constitution, which states that ''The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States. . .''

By Mr. HINOJOSA:

H.R. 5221.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8 of the constitution which states that ''The Congress shall have Power to lay and collect Taxes, Duties, Imposts and Excises, to pay the Debts and provide for the common Defence and general Welfare of the United States.''

By Ms. KELLY of Illinois:

H.R. 5222.

Congress has the power to enact this legislation pursuant to the following:

The Constitutional authority to enact this legislation can be found in: General Welfare Clause (Art. 1 sec. 8 cl. 1) Commerce Clause (Art. 1 sec. 8 c1.3) Necessary and Proper Clause (Art. 1 sec. 8 cl. 18)

By Mr. MCDERMOTT:

H.R. 5223.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Mr. MCDERMOTT:

H.R. 5224.

Congress has the power to enact this legislation pursuant to the following:

Article I, Section 8, Clause 1

By Ms. NORTON:

H.R. 5225.

Congress has the power to enact this legislation pursuant to the following:

clause 1 of section 8 of article I clause 2 of section 3 of article IV and of the Constitution.

By Mr. PERRY:

H.R. 5226.

Congress has the power to enact this legislation pursuant to the following:

Article 1, Section 8 of the United States Constitution

By Mr. SCHOCK:

H.R. 5227.

Congress has the power to enact this legislation pursuant to the following:

The constitutional authority on which this bill rests is the power of Congress as stated in Article I, Section 8, Clause 1 of the United States Constitution.

By Mr. VEASEY:

H.R. 5228.

Congress has the power to enact this legislation pursuant to the following:

Artile I, Section 8, Clause 4

The Congress shall have the Power to establish an uniform Rule of Naturaltization.

ADDITIONAL SPONSORS

Under clause 7 of rule XII, sponsors were added to public bills and resolutions, as follows:

H.R. 188: Mr. CONYERS.

H.R. 292: Mr. DELANEY.

H.R. 318: Mr. MAFFEI and Mr. SCHOCK.

H.R. 543: Mr. BROOKS of Alabama.

H.R. 596: Ms. SPEIER.

H.R. 632: Mr. CRAWFORD.

H.R. 647: Mr. DENHAM, Mr. FLEISCHMANN, and Mr. BRADY of Texas.

H.R. 781: Mr. WITTMAN.

H.R. 794: Mr. GIBSON and Ms. MENG.

H.R. 851: Mr. CARSON of Indiana and Mr. CROWLEY.

H.R. 855: Ms. DEGETTE, Mr. MCDERMOTT, and Ms. LORETTA SANCHEZ of California.

H.R. 963: Ms. DELBENE.

H.R. 997: Mr. HUDSON.

H.R. 1015: Mr. MCKEON.

H.R. 1074: Mr. FORTENBERRY.

H.R. 1078: Mr. MURPHY of Pennsylvania.

H.R. 1179: Mr. SIMPSON.

H.R. 1199: Mr. FATTAH.

H.R. 1449: Mr. SCHOCK.

H.R. 1666: Mr. MURPHY of Pennsylvania.

H.R. 1731: Mr. GUTIÉRREZ.

H.R. 1750: Mr. MCCAUL.

H.R. 1761: Mrs. ELLMERS.

H.R. 1812: Mr. LUCAS.

H.R. 1821: Ms. MICHELLE LUJAN GRISHAM of New Mexico.

H.R. 1839: Mr. COFFMAN.

H.R. 1842: Ms. LINDA T. SÁNCHEZ of California.

H.R. 1852: Mr. YOUNG of Alaska, Mrs. CAPITO, Mr. COFFMAN, Mr. MCALLISTER, Mr. JOLLY, and Mr. TURNER.

H.R. 1893: Mr. PRICE of North Carolina.

H.R. 1907: Mr. RYAN of Ohio and Mr. CONYERS.

H.R. 1918: Mr. SWALWELL of California, Mr. THOMPSON of California, and Mr. JOLLY.

H.R. 2053: Mrs. HARTZLER.

H.R. 2084: Mr. PRICE of North Carolina.

H.R. 2224: Ms. LINDA T. SÁNCHEZ of California.

H.R. 2536: Ms. BROWNLEY of California and Mr. SCALISE.

H.R. 2720: Mr. KEATING.

H.R. 2835: Mrs. BLACK and Mr. TERRY.

H.R. 2856: Ms. EDDIE BERNICE JOHNSON of Texas, Mr. DOGGETT, Mr. HOLT, Mr. TONKO, Mr. TAKANO, Mr. DELANEY, Mr. ISRAEL, Ms. CLARKE of New York, Mr. LOEBSACK, Ms. BROWNLEY of California, Mr. SMITH of New Jersey, Mr. PRICE of North Carolina, Mr. CROWLEY, Mr. BISHOP of New York, Mr. BUCHANAN, Mr. LOBIONDO, Mr. SEAN PATRICK MALONEY of New York, Mr. MCGOVERN, Mr. PETERS of Michigan, Ms. HAHN, Ms. KUSTER, and Mr. QUIGLEY.

H.R. 2994: Mr. CICILLINE.

H.R. 3043: Mr. SIRES.

H.R. 3456: Mr. PETERS of California.

H.R. 3505: Mr. ROE of Tennessee.

H.R. 3508: Mr. LAMBORN.

H.R. 3560: Mr. LARSEN of Washington and Mr. DOGGETT.

H.R. 3662: Mr. RUIZ.

H.R. 3669: Ms. SLAUGHTER.

H.R. 3732: Mr. HALL.

H.R. 3747: Mr. MCKINLEY.

H.R. 3775: Ms. SINEMA.

H.R. 3958: Mr. LANGEVIN.

H.R. 3963: Ms. MATSUI and Mr. GEORGE MILLER of California.

H.R. 3969: Ms. DELBENE.

H.R. 3987: Ms. SHEA-PORTER.

H.R. 3992: Mr. ELLISON.

H.R. 4060: Mr. BEN RAY LUJÁN of New Mexico and Mr. WILLIAMS.

H.R. 4083: Mr. MASSIE.

H.R. 4158: Mr. THOMPSON of Pennsylvania, Mr. TERRY, Mr. MARINO, and Mr. DUFFY.

H.R. 4245: Ms. SINEMA.

H.R. 4319: Mr. LUCAS.

H.R. 4325: Mr. LOWENTHAL.

H.R. 4347: Ms. LINDA T. SÁNCHEZ of California.

H.R. 4440: Mr. CONNOLLY, Mr. DOYLE, and Mr. POCAN.

H.R. 4446: Mr. BRADY of Pennsylvania.

H.R. 4510: Mr. RICE of South Carolina, Mr. QUIGLEY, Mr. WITTMAN, Mr. NUGENT, Mr. LIPINSKI, Mr. GARDNER, Mr. MEADOWS, Mrs. BROOKS of Indiana, and Mr. CRAWFORD.

H.R. 4521: Mr. NUGENT.

H.R. 4577: Mr. PETERSON.

H.R. 4626: Mr. MCHENRY and Mr. DELANEY.

H.R. 4682: Mr. SOUTHERLAND, Mr. SERRANO, Mr. AMASH, Mr. LABRADOR, Ms. HANABUSA, and Mr. MEADOWS.

H.R. 4748: Mr. SCHOCK.

H.R. 4808: Mr. ROKITA.

H.R. 4814: Mr. THOMPSON of Pennsylvania.

H.R. 4815: Ms. KAPTUR.

H.R. 4827: Ms. BROWNLEY of California.

H.R. 4837: Mr. THOMPSON of California.

H.R. 4897: Mrs. WAGNER.

H.R. 4930: Mr. CHABOT and Mr. LOWENTHAL.

H.R. 4960: Mr. RYAN of Ohio, Ms. SLAUGHTER, Mr. CONYERS, Mr. ELLISON, Mr. COHEN, Mr. YOUNG of Alaska, and Mr. COFFMAN.

H.R. 4964: Mr. CARTWRIGHT.

H.R. 4970: Mr. SWALWELL of California.

H.R. 4978: Mrs. NAPOLITANO and Mr. HURT.

H.R. 4999: Mr. SWALWELL of California.

H.R. 5015: Mr. COBLE and Mr. FITZPATRICK.

H.R. 5018: Mr. LABRADOR.

H.R. 5026: Mr. WOMACK.

H.R. 5052: Mr. BARROW of Georgia.

H.R. 5059: Mr. BERA of California and Mr. WHITFIELD.

H.R. 5062: Mr. MULVANEY.

H.R. 5063: Mr. GIBSON, Mr. COLLINS of New York, Ms. ESTY, Mr. SCHIFF, Mr. MICA, Mr. MORAN, Mr. STOCKMAN, Mr. ROHRABACHER, and Mr. VEASEY.

H.R. 5071: Mr. DUFFY, Mr. GRIFFIN of Arkansas, Mr. MULVANEY, Mr. BISHOP of Georgia, Mr. CRAMER, and Mr. PEARCE.

H.R. 5074: Mr. STEWART, Mr. COFFMAN, Mr. MCCLINTOCK, and Mr. GOSAR.

H.R. 5075: Mr. STEWART, Mr. COFFMAN, and Mr. MCCLINTOCK.

H.R. 5078: Mr. BUCHANAN, Mr. AMODEI, Mr. GOWDY, Mr. WESTMORELAND, Mr. NUNES, Mr. VALADAO, Mr. SCHOCK, Mr. WEBSTER of Florida, Mr. FORBES, Mr. LONG, Mr. SCHWEIKERT, Mr. LABRADOR, Mr. DIAZ-BALART, Mr. WHITFIELD, Mr. DENT, and Mrs. LUMMIS.

H.R. 5095: Mr. SCHNEIDER, Mr. PETERS of California, Ms. SINEMA, Mr. GARCIA, Ms. SLAUGHTER, and Mr. LOWENTHAL.

H.R. 5114: Mr. HALL.

H.R. 5129: Mr. GRIFFIN of Arkansas, Mr. WOMACK, and Mr. NUNNELEE.

H.R. 5137: Mr. HARPER, Mr. BARLETTA, and Mr. BARTON.

H.R. 5138: Mr. CULBERSON.

H.R. 5160: Mr. FRANKS of Arizona and Mr. DUNCAN of South Carolina.

H.R. 5177: Mr. JOYCE.

H.R. 5207: Mr. RYAN of Ohio, Mr. CHABOT, and Ms. FUDGE.

H. Con. Res. 95: Mr. PEARCE.

H. Res. 30: Ms. CLARK of Massachusetts.

H. Res. 525: Mr. DELANEY.

H. Res. 558: Ms. SINEMA.

H. Res. 620: Mr. DESJARLAIS and Mr. ROSKAM.

H. Res. 644: Mr. LOBIONDO, Mr. LATTA, Mr. ADERHOLT, and Mrs. WAGNER.

H. Res. 668: Ms. HAHN, Mr. MORAN, Mr. ELLISON, Mr. LOWENTHAL, Ms. LEE of California, Ms. WATERS, Ms. JACKSON LEE, Ms. CLARKE of New York, Ms. BROWN of Florida, Mr. DOYLE, Mr. RYAN of Ohio, Ms. KAPTUR, Mr. CICILLINE, Mr. HINOJOSA, Mr. LOEBSACK, Mr. ENGEL, Mr. NADLER, Mrs. NEGRETE MCLEOD, Ms. LINDA T. SÁNCHEZ of California, Mr. QUIGLEY, Mr. WELCH, Ms. FUDGE, Mr. CONNOLLY, Mr. BRALEY of Iowa, Mr. TAKANO, Mr. PETERSON, Mr. TIERNEY, Mr. MICHAUD, Ms. TSONGAS, Ms. EDDIE BERNICE JOHNSON of Texas, Mr. VISCLOSKY, Ms. BROWNLEY of California, Mr. GRIJALVA, Mr. SMITH of Washington, Mr. MURPHY of Florida, Mr. HASTINGS of Florida, and Mrs. NAPOLITANO.

H. Res. 679: Mr. LATTA.

H. Res. 685: Mr. AL GREEN of Texas and Mr. MCGOVERN.

H. Res. 687: Mr. GOODLATTE

CONGRESSIONAL EARMARKS, LIMITED TAX BENEFITS, OR LIMITED TARIFF BENEFITS

Under clause 9 of rule XXI, lists or statements on congressional earmaks, limited tax benefits, or limited tariff benefits were submitted as follows:

OFFERED BY MR. HASTINGS OF WASHINGTON

The amendment to be offered by myself or a designee to H.R. 4315, the 21st Century Endangered Species Transparency Act, does not contain any congressional earmarks, limited tax benefits, or limited tariff benefits as defined in clause 9 of House rule XXI.